1: Gifford E-4,5 (1920-1921) 1929 OU9 Tonga OU9

and may talk, but not familiarly. With aged siblings the tapu is somewhat relaxed. One informant said that a brother may cook food for a sister, but not the sister for the brother because that would look as though they were married. If a man came in from the bush very tired his sister might procure some food for him, but she might not nurse him when he was ill. A brother would not avenge the rape of a sister; the father or mother's brother would do that.

Some curious abrogations of the brother-sister tapu came to light. In one family a girl named Ika was so named by her paternal grandmother after her maternal grandmother and she thereby assumed the status of the grandmother, or perhaps of a mother, to her own brother. She can approach him freely, can tend him in sickness, and generally be with him without restriction by the usual tapu. In another family Tangakinakovi, daughter of the chief Veehala and wife of Luani, being childless, was allowed to adopt Taliauli, her full brother, all brother-sister tapu being disregarded.

Cross-cousin marriage, which seems to have been common, is a violation of the brother-sister tapu. Yet a decision reached in the family councils will do away with this tapu and a man and woman who could not come into close proximity to each other by their own initiative may be married by the will of those who have the ordering of them.

There are at times evasions of the tapu. Brother and sister sometimes do covertly converse. It is considered very bad form for anyone to notice this. During my sojourn in Tonga a man came to his *tuofefine* and asked for his shirt, which in all probability she had washed for him. A European standing near overheard the man ask and jocularly remarked that the girl did not have his shirt, but had given it away. The pair fled in dismay, for being *tuongaane* and *tuofefine* to each other, they had no right to converse. The European committed a serious breach of etiquette in noting that they were conversing.

Although the observances described are those of today, they undoubtedly give a picture of the past as well. Mariner (41, vol. 2, p. 147) has the following to say:

> Every chief also pays the greatest respect towards his eldest sister, which respect he shews in an odd way, but it is according to custom, viz., by never entering into the house where she resides; but upon what exact principle, except custom, Mr. Mariner has not satisfactorily learned.

THE FAHU

As the sister is superior in rank to the brother, so also are her children, both male and female. Moreover, the sister's children are superior to the brother's children. The sister's children are *fahu* (Fijian *vasu*) to their mother's brother. They have the privilege of taking their uncle's goods,

1: Gifford E-4,5 (1920-1921) 1929 OU9 Tonga OU9

also the goods of his children, either during his life or after his death. Even one of the uncle's wives might be appropriated. At the wedding of a man's child, his sister's children may help themselves to the presents. The brother's children must show respect (*fakaapaapa*) to the sister's children. The institution of *fahu* is a one-sided, non-reciprocal affair. The victims never have a chance to retaliate, but they exercise similar privilege towards their own mother's brother and his offspring. Towards one's *fahu* only respect and acquiescence must be shown. To appropriate the property of the *fahu* would be a serious breach of custom.

One chiefly informant remarked to me that he was lucky in having no closely related *fahu*, as he had no sister. He had, however, female cousins, whose children were *fahu* to him to a certain extent, but not like a real or great *fahu*. One such remote *fahu* visited this chief while I was with him, his father's brother's daughter's daughter. She did not have the privilege of a near *fahu* but must ask his permission before taking his property.

Radcliffe-Brown (48, pp. 543, 553, 550) records for Tonga that

> . . . the sister's son is permitted to take many liberties with his mother's brother, and to take any of his uncle's possessions that he may desire. And there also we find the custom that, when the uncle makes a sacrifice, the sister's son takes away the sacred portion offered to the gods, and may eat it.
>
> . . . The daughter's son must be honoured by his grandfather. He is "a chief" to him. He may take his grandfather's property, and he may take away the offering that his grandfather makes to the gods at a kava ceremony. The mother's father and the mother's brother are the objects of very similar behaviour patterns, of which the outstanding feature is the indulgence on the one side and the liberty permitted on the other.

The daughter's son may intervene in the sacrificial ritual in the same way as the sister's son, the behavior between the mother's father and the daughter's son being much the same as between the mother's brother and the sister's son.

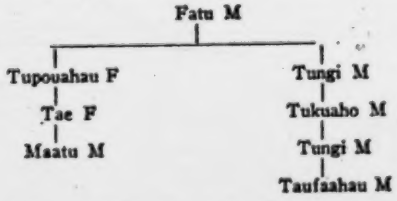
Liberties and jocular remarks may be indulged in with relatives through one's mother's brother, except where the brother-sister tapu interferes. Such liberties and remarks cannot be reciprocated, for the very reason that respect towards the father and his relatives is definitely enjoined, and especially towards the father's sister (*mehekitanga*) and her offspring.

Modern Tongan dictionaries describe the *fahu* as "one that is above the law," and the verb *fakafahufahu* as "to act as an outlaw." In actual practice the *fahu* (or *ilamutu*, to use the term of relationship) often did appropriate the property of his mother's brother (*tuasina*), who as a rule did not protest. At the kava ceremony the *fahu* ate the relish presented to his mother's brother. The grandchildren, also referred to as *fahu*, had the same privilege (15, p. 30).

1: Gifford E-4,5 (1920-1921) 1929 OU9 Tonga OU9

recovered. When Lufe, the chief of the dead Tui Tonga's mother's family, learned of the king's death, he said: "The Tui Tonga is dead. He has died a bad death, for he is cut in two. Come and kill me and join my buttocks and legs to the Tui Tonga's trunk, so that the corpse may be complete." His relatives obeyed him. They slew him to make the Tui Tonga's body complete and then buried the remains.

The *fahu* relation while not exclusively limited to the mother's brother (*tuasina*) and his sister's children (*ilamutu*), may continue to subsequent generations, as the following genealogical diagram indicates.



Maatu has the right of *fahu* to Tungi the elder, to Tukuaho, and to Tungi the younger. Maatu and Tungi the younger are cross-second-cousins. Tukuaho was Maatu's mother's mother's brother's son, while Tungi the elder was Maatu's mother's mother's brother. To Taufaahau Maatu is not *fahu* because Maatu stands in the relation of "father" to him.

Frequently the right of the *fahu* is even more extended, and may give a chief of high rank the right to help himself to any property he wishes in an entire district controlled by chiefs to whom he is *fahu*. For example, all of the living descendants of the Tui Kanokupolu Tukuaho, who was assassinated in 1799, are said to be *fahu* to the chiefs and commoners of the lineage Haa Ngata Motua of the Hihifo district of Tongatabu. The reason for the *fahu* relationship is that Tukuaho's mother was Lepolo, the daughter of Laakulufoohake, who was the son of Atafakahau, who in turn was the son of Kaumavae, the son of Ngata (the eponymous ancestor of the Haa Ngata Motua and the first Tui Kanokupolu, who held office in the first half of the seventeenth century. In other words, Tukuaho's mother was of the Haa Ngata Motua, and being "sister" to all of the Haa Ngata Motua chiefs, her son and his descendants are *fahu* to the Haa Ngata Motua chiefs and people. Thus the present Tui Kanokupolu Charlotte is *fahu* to the Haa Ngata Motua. The principal other living *fahu* of the Haa Ngata Motua are (a) Tungi, the prince consort, who is *fahu* through both his father and his mother, and consequently ranks highest among the *fahu;* (b) Haamea, the son of the present Ulukalala, who is *fahu* through both his father and his mother, but who is of lower rank than Tungi's mother. Tungi and his mother are also *fahu* to the Haa Ngata Tupu of Vavəu.

1: Gifford E-4,5 (1920-1921) 1929 OU9 Tonga OU9

recorded in Samoan tales and somewhat suggest the suttee (op. cit., pp. 94, 344).

The Tui Tonga was often borne along in a litter. If he saw a bearer who was particularly zealous and went long without a change, he would stop the bearers and tell the zealous one to run, and the man would be given the land around which he ran without a spell.

Mats and tapa upon which the Tui Tonga had rested or sat would not be used again by their owners but taken to the Tui Tonga, or passed to his retinue.

The power of the Tongan kings to commandeer labor is obvious from the number of tombs, and from such a mighty structure as the great truncated stepped pyramid of Uluakimata I, known as the Paepae o Telea. The blocks of stone of which this tomb is composed are massive, some weighing as much as 30 tons. The quarrying and moving of these huge blocks must have required the labor of large numbers of men.

The following anecdote refers to the hard labor imposed by the Tui Tonga upon their subjects in connection with the erection of the great royal tombs.

> One day, when the men were pulling the stone along from the quarry, they reached a place called Tongia. They had a short rest there and went and drank at a water hole called Anameana. So scant was the water that all was consumed before half of the workmen had drunk, so they started pulling again on the stone and dragged it to Mua. The people who did not get a drink at Anameana went down to the two little brooks which are called Pokitau and Malifu and drank all the water which was there, and yet they did not have enough. They went then to another brook called Fangafeatu and then they were satisfied.

According to a fanciful version, Mounu, an artificial pier of stones at Lapaha, the Tui Tonga's seat, was built of the refuse from the great double vessel *Lomipeau* (26, p. 68). Another version states that it was the beginning of a causeway which the Tui Tonga Pau planned to span the great lagoon of Tongatabu from Lapaha to Tukutonga on the opposite shore near the mouth of the lagoon. Whether or not Pau really planned such a work, it is certain that the construction of the pier represents the organized labor of a considerable body of workmen doubtless acting under the orders of one of the kings. The great dry moat at Lapaha is another indication of centralized control of labor.

Cook (19, vol. 1, pp. 289, 357) speaks of the Siamafuauta as a rest mound (*esi*) which was the property of Pau and he mentions also such a mound on the summit of Eua Island. Such rest mounds, surrounded by shade trees, were frequently erected for kings and great chiefs (42).

If the Tui Tonga's daughter was fed so lavishly that she began to lose her waistline or develop other traits of unloveliness, the servants who were responsible for the overfeeding forfeited their lives at the Tui Tonga's discretion.

1: Gifford E-4,5 (1920-1921) 1929 OU9 Tonga OU9

with his seat at Fahefa, Tongatabu, is the recognized hereditary lord of a considerable part of Eua. The remainder is held by the Crown. Veehala's claim reveals again the ambitious efforts of the Haa Ngata Motua chiefs and the Tui Kanokupolu. In 1922, a portion of the island was given to the newly created noble Tupoutoa.

Veehala's claim rests upon the conquest, by his son Kaufana, of the southern half of the island north to Ohonua creek (Telea). Kaufana fought Manumua and other Eua chiefs. Previous to this the whole island belonged to the Tui Tonga. Kaufana conquered it before Tukuaho was sent there as governor in the latter part of the eighteenth century, probably by the Tui Kanokupolu Mulikihaamea. (See 16, p. 9.)

Faivalava, paternal grandfather of my informant Fakatene (who fought for the Tui Kanokupolu George I against the fortresses of Pea and Houma in Tongatabu), had a fortress named Loma. It was on level ground on the west side of Eua, not far from the present village of Kolomaile. Faivalava fought with the people of Ohonua, a village located at about the middle of the west side of the island. The war started through Faivalava's determination to maintain independence of the chiefs of Ohonua. He was defeated and left Loma and fortified the hill Teeveka. Takai of Pea, Tongatabu, fought there against Faivalava and his brother Foka, but without success. Takai returned to Ohonua and sent word to make peace. Foka came down to make peace and Faivalava stayed in his fortress to guard it. During the kava party to discuss peace Foka was murdered as he was drinking, but Takai returned to Tonga without further measures. The mention of Takai places this event early in the nineteenth century.

Heheu is an inland fortress strengthened naturally by a cliff. The commander of this fortress was Langilangi. He fought with the fortress Fangaata, whose commander was Tanakipusi. Fangaata was defeated. Langilangi was a son of the chief Hafoka. Fangaata was unwilling to pay Heheu the deference Langilangi required. Hence the war.

Tuutaki is a fortress inland from Ohonua. The chief there was Kaufana, son of Hafoka. He fought with his elder brother Talimalolo, whose fortress was Utumata in Ohonua. Talimalolo used to kill the people, and Kaufana stood forth as their champion and defeated Talimalolo. Kaufana sent Talimalolo to Tongatabu to his kinsman, the great chief Veehala in Fahefa.

Presumably these events took place after Kaufana had overcome Manumua as described earlier.

Tuutaki, the Famous Warrior of Eua

Tuutaki was born in the hamlet of Tuutaki, near Teemoa, low down on the east side of Eua Island. Whilst he was small, ceremonies used to be held before the Tui

2: Mariner F-5 (1806-1810) 1818
OU9 Tonga OU9

month of July, when the natives flock to this plantation for the purpose of catching them, where having procured a quantity, they take them home to their families in baskets made of plaited leaves of the cocoa-nut tree.

Mahe Boogoo, the chief to whom this valuable piece of ground belonged, being about to go and reside at the Hapai islands, made a present of this delightful spot to the king. Mr. Mariner, having now nothing particular in which to employ himself, the war being at an end, begged of the king to give up this plantation to him, that he might amuse himself by seeing it properly cultivated: to this the king, after a little hesitation, consented; when Mr. Mariner requested the farther favour that he might be exempt from all taxes, that no chief might despoil his plantation, under pretext of levying any species of contribution; and this exemption, he observed, would be no more than what was consistent with the Tonga custom, which exacts no contribution from foreigners, unless indeed it be upon some sacred occasion, as the ceremony of *ináchi*, &c. To this also the king gave his assent, upon mutual agreement, that the whole plantation was to be considered at Finow's service, as being the father and protector of Mr. Mariner, but that he would not take any thing nor trespass upon it

2: Mariner F-5 (1806-1810) 1818
OU9 Tonga OU9

in any way without Mr. Mariner's consent, who was to regulate every thing regarding it just as he pleased, and was henceforth to consider it as his property, together with all the persons who worked on it, consisting of thirteen men and eight women. To these the king gave orders they should pay the same attention and respect to Mr. Mariner as to himself or their former chief; he moreover informed the *matooa*, or overseer, that he had invested Mr. Mariner with full power to dispatch any of them with the club that failed in their duty, or neglected in any respect to shew proper attention to their new master. To this, in the usual form, they all returned thanks to the king for the new chief he had been pleased to appoint over them, and expressed their hopes that they should never deserve punishment by any want of respect towards the "stranger chief." As soon as Mr. Mariner entered upon his new possessions, he gave orders to get ready a large bale of gnatoo, which he sent to Finow as a present.

About this time Mr. Mariner was very near being devoured by a shark. One of his servants that worked upon the plantation had laid pots about four feet deep in the water for the purpose of catching cray-fish, and Mr. Mariner one afternoon dived down to examine them, in

12: Vason M-3 (1797-1801) 1810
OU9 Tonga OU9

We arrived there in the afternoon, and were kindly received by the brethren, and hospitably entertained: they agreed to marry us in the morning. They endeavoured, in a manner perhaps too austere, to impress my wife with a sense of the nature and importance of the matrimonial covenant—that it was a solemn engagement for life, to be faithful to her husband, and that nothing but my death could release her from the bond. When she understood this, she would not consent. They refused therefore to marry us, as such a marriage would be invalid in their native country, by whose laws they were determined to abide; and persuading me it was unlawful to live with her, they obtained my consent to quit her. But they could not prevail upon me to continue with them, as I had not resolution to leave Mulkaamair, to whom I was now particularly attached. I returned to my old chief; but conducted my wife back to her father, with whom I left her.

Whilst living with Mulkaamair, I was accustomed to make frequent excursions, sometimes for several days. A favourite daughter of my chief, who had been married, but upon being dismissed by her husband, had returned to live with her father, used often to accompany me, as we were particularly intimate. One day, in company with several others, we met in our excursion, a party who had been fishing. Presuming upon our sanction and autho-

12: Vason M-3 (1797-1801) 1810
OU9 Tonga OU9

rity as the friends and inmates of Mulkaamair, some of our people began, according to custom, to take some of their fish, as the tribute due to the chief; but they resented the aggression, and marked out one man as an object for their vengeance. They furiously attacked him with their clubs, and knocked him down, and soon laid his head open. Some of his brains were[1] scattered on the ground, and on a tree against which he fell. They did not attack the rest of us, nor offer me any injury, as they said "Moolee (or the stranger) has done nothing." Having killed, as they thought, the unfortunate object of their revenge, they hastened away; my party then took up the wounded and almost lifeless man, and bound the parts together: it appeared to me a hopeless case, but so wonderfully does the fine climate of the South-Sea Islands, and the temperance and activity of the natives, conduce to promote and recruit the health of the human frame, that this apparently dead man was able, in a short time, to walk on with us. Upon our return, Mulkaamair sent out a party to attack them, and they fled: but a distant relation of Doogonagaboola having received some injury, the affair threatened to bring on a war; but it was at length amicably adjusted.

Not much time elapsed, before my resolution failed respecting deserting my wife, whom according to the ceremonial rites of Tonga, I thought I had

1 [Errata: This should read "appeared to be." Cf. errata sheet, cat. 116, p. 235 --Analyst]

12: Vason M-3 (1797-1801) 1810
009 Tonga 009

regularly espoused ; and at my request, Mulkaamair sent for her again.

My chief gave us a habitation near his own. Here I brought all I had, and gave her equal possessions with myself. We lived here together, for some time, in much comfort. I daily advanced in the knowledge of the language, and such prospects of success now opened upon me, that I determined to finish my days in Tongataboo.

Ambition of distinction and the desire of wealth now began to excite me to exertion. I employed my thoughts in devising plans to provide a comfortable settlement in the Island, and became very desirous of a portion of land to myself, that by my own industry, I might render myself independent. At this time a neighbouring chief wished to dispose of a tract of land ; my chief, Mulkaamair, purchased the estate for me, with a spade, an ax, a small native canoe, and a couple of knives. This was the whole price given for the purchase of the abbee, or farm of Omataanee. It contained about fifteen acres, and was separated from the estate of Mulkaamair by a lagoon or arm of the sea, a quarter of a mile across. This I crossed the next day, to enjoy the new delight, never before experienced, of viewing an estate of my own. With what joy did I contemplate its little pendent groves of cocoa and plantain trees, and its smooth lawns, diversified by little habitations, which contained the peaceful

13: Beaglehole & Beaglehole E-5 (1938-1939) 1941
OU9 Tonga OU9
Vavau
Pangai

no opportunity therefore, to obtain any close or intimate knowledge of any non-Tongan domestic economy, domestic morals, domestic manners, or domestic relations. What slight knowledge there may be on these topics among the village women is derived almost entirely from Convent schooling or gossip. From this viewpoint our own stay in the village might possibly have added something to the culture of the more observant or curious of the village women.

Economic Life

CONTROL OF LAND

All land in Tonga is ultimately owned and controlled by the Crown. Functionally it is divided into three groups: Government estates, the estates of nobles, and the Royal estates (including those of the Queen and Crown Prince). Of the thirty-nine estates into which Vava'u is divided, seventeen are Government, sixteen are noble, five are Royal and one is the estate of the Crown Prince. Again in theory, each adult Tongan male above the age of sixteen years is entitled to an allotment of 8¼ acres of land from the Government estate for which he pays taxes at the rate of eight shillings per year. Land is not sold to anyone. Applications for the leasing of land are made to the Minister of Lands. Land from the Royal estate or from that of a noble may be acquired by lease and may be inherited in either the male or female line provided the rent of eight shillings per year continues to be paid.

Pangaimotu (the island of Pangai) is Royal estate. Within the limits of Pangai village, the residential sections are nearly all controlled by named households. The bush lands on the islands are divided into sections called *api uta*, more briefly *api* (see Fig. 1), which range in size from eight or nine to sixteen or twenty acres. Each of these bush *api* is leased for the usual rental of eight shillings. As long as the rental is paid, the lessee has full control of his *api* and full right to produce what he pleases thereon. Should the rent, however, be in arrears for three years in succession, the land may be allotted to another individual.

13: Beaglehole & Beaglehole E-5 (1938-1939) 1941
OU9 Tonga OU9
Vavau
Pangai

423 427 428 There is a certain measure of inequality among the villagers in regard to leased *api*. Thus thirty-six men are each lessees of one *api* of the smaller size. Six men are each lessees of one big *api*; three men each rent two *api*; one man rents three *api*. The number of *api* that a man may rent depends somewhat on the vagaries of inheritance. This may be shown by the case of Biukala who controls three *api* on Pangaimotu and one in Tongatapu. In August, 1939, Biukala rented the last free *api* on Pangaimotu. He also controls the *api* of his dead father which in turn passed to his mother who now lives in Nukualofa. Thirdly he controls the *api* of his mother's mother (her husband is also dead). A fourth *api* in Tongatapu Biukala has inherited from his deceased father who was a Tongatapu man. Biukala pays rent each year for all four *api*. When his mother or his grandmother dies, Biukala may decide either to control their *api* exclusively for his own advantage or else arrange for a close relative to use the land. He could also, if he wished, relinquish the land by defaulting on his taxes. [425] [651]

423 427 It is obvious from this that as long as a young man wishes to remain in the village of Pangai, he cannot necessarily look forward to controlling by lease an *api* on the island of Pangai. Thus, according to Biukala, the male children of a man who rents but one *api* have now no hope of renting *api* for themselves on Pangai island. When they reach adulthood, they will either have to make arrangements to share the produce from an *api* controlled by another or else seek land away from their home village. Biukala estimates that one *api*, properly cultivated, could produce ample food for at least twenty cultivators and their households, although with this type of relatively intensive cultivation the amount of copra obtained from the land would become negligible. [311] [241]

423 The location of the plantations traditionally associated with residents of Pangai village is given by the numbers in Figure 1.[A] Of the 81 plantations surrounding Pangai, 58 are controlled by present residents of the village (44 by Pangai men, 5 by Pangai women, 1 being associated with the village school and 1 with the Free Wesleyan Church), 30 by past residents of the village. Of this last number, 13 are now resident in Neiafu, 13 in other nearby villages of Vava'u,

A. [See category 116, p. 6--Analyst]

13: Beaglehole & Beaglehole E-5 (1938-1939) 1941
OU9 Tonga OU9
Vavau
Pangai

461 the round of gardens until all the immediate work is finished.
464 Food for the day is provided by the partner on whose land
476 the work is being carried out. He generally prepares an oven
571 to feed his companions.

This method of working is common village practice. In
461 discussing it an informant threw certain human sidelights on
464 work-habits which show how this type of partnership may
476 sometimes function. This informant said he never worked
571 in partnership with anyone. He believes he gets more done
124 by himself—it is obvious that he is not a true Tongan in this
[183] respect. The working partnership, he thinks, is merely a temptation to talk, rest, eat, and sleep rather than work. Some men are cunning in this respect. When the partners are working on A's field, A scorns all talk and insists on hard work for all three men. When in B's garden however, A thinks of the most wonderfully amusing stories to tell his companions and so little work is done by the end of the day. Informant mentioned the names of three men whom we had already observed to be a working partnership. Of the three,
[157] only C was a hard worker. The other two were sophisticated and cunning with the result that hard-working C was doing in reality all the work for all three men. C apparently did not realize the situation. The three men were the best of friends and for many days on end were to be observed going to their plantations in the morning, returning together in the evening laughing and joking. It is obvious therefore that as long as the utmost amount of work is not the end of activity, the working-partnership can function to the satisfaction of its members and get enough work done to make such organization worth while.

461 The other type of men's working-party, the *tou tu'u*,
476 functions when it is a matter of breaking-in virgin bush-
464 land. The owner of the land gets together a group of from
241 ten to twenty men. He assigns to each man a small section
571 of the bush-land. Each man clears his own section and
[43] generally plants it with yams. From the first harvest each man gives the owner of the land a present of from two to five yams and keeps the remainder for himself. Taro, *kape*, or sweet potato, may be planted instead of yams. After this
[425] first year of cultivation the owner resumes full control of his cleared land and plants it exclusively for himself. Through

13: Beaglehole & Beaglehole E-5 (1938-1939) 1941
OU9 Tonga OU9
Vavau
Pangai

MOTHER'S BROTHER

The mother's brother is termed *fa'e tangata*, "male mother." Between him and his sister's children *(ilamutu)* there is a relationship termed *fahu* which also extends to his own children. This relationship is one of great freedom, so much indeed that the missionary Baker, for instance, in compiling his Tongan dictionary defines *fahu* as "one that is above the law." The definition is not strictly correct because the *fahu* relationship is governed very precisely by the law of custom, but this custom allows behaviour that to the early missionaries must have bordered on a horrible license in regard to the disposal of property.

According to the *fahu* relationship as observed in the village today, the children have full liberty to help themselves to the property of their mother's brother. Thus when Biukala went to Tongatapu to boarding-school, he naturally expected his mother's brother to provide him with pocket-money, food, and clothing—just for the asking. His mother's brother never failed to give what was required. Biukala also lived with this relative during school vacations because he had free access to the mother's brother's house and all that it contained. Similarly with the complex relationship shown in the genealogy on page 74. When Heu functions as an *ilamutu* to Beni, she goes without asking permission to Beni's plantation gardens and takes whatever food she requires—bananas, plantains, yams, *taro*. She also asks Beni for a pig should she need one and have none of her own available. She does not ask Beni either for money or clothes although she would be well within her rights in so doing. After one of these visits to his gardens, Beni usually comes to Heu's house and asks if she is the one who has taken the food. Heu says yes, and Beni leaves without further comment. His visit is merely to make sure that no unauthorised persons have been tampering with his property.

Where there are several *ilamutu*, it is generally conceded that the rights and desires of the senior take precedence over those of the junior *ilamutu*. Seniority is based either on chronological age if all *ilamutu* are of the same generation, or else on genealogical reckoning if there is generation disparity.

15: Thomson G-3 (1886-1900) 1902
OU9 Tonga OU9

disease while riding with the king. Then came the jilting of Ofa, his near kinswoman, an insult to his family which must have hit him hard. He had retired to his little house in Nukualofa and was living quietly on the rents of the adjoining property, which he had enjoyed undisputed for many years, when the government suddenly put in a claim to it and dispossessed him, reducing him to poverty. I do not know the rights of the matter; I only know that the man who, failing royal issue, stood next to the throne, who was the most courtly and imposing of the chiefs of the old time, the last repository of ancient lore and tradition, was reduced to living in a hovel in which you would not stable a horse, blind, deserted, and in utter penury. A few weeks after our departure the last link with the past was severed by his death.

Beyond the birth of a princess three weeks before our arrival nothing had occurred to change the position. The king was in voluntary confinement in his compound, estranged from his chiefs, and consorting with three of his ministers, his kinsmen, and his guardboys, who tumbled into uniform only when a foreign ship was in port. The government of the country was nominally in the hands of old Sateki, my old

20: Gifford E-5 (1920-1921) 1924 OU9 Tonga OU9

Tongan landed chiefs are land hungry. The old practice was to claim as much as possible of the neighbouring lord's territory upon his death. Careful surveys now being made by the government are fixing permanently the boundaries of hereditary lands, so that expansion of one's holdings at the expense of some minor heir who is unfamiliar with his inheritance will soon be no longer possible. It is of interest to note that the chief who would be Tui Tonga, if that office had not been abolished, has by legal procedure in recent years secured the return of lands improperly claimed by others.

Euro-American culture has had a hand in transforming the Tongan population from a rural one to a village-dwelling one. The transformation had its beginning at the end of the eighteenth century when civil war forced the people to leave their farms and seek refuge in fortresses. Thus village life seems to have begun. Then came the missionary and a great wave of religious enthusiasm which served to reinforce the new village ties rather than to dissipate them. The copra trade and the scant attention required for the coconut trees doubtless, in a negative way, has helped to perpetuate the village life. The result is that modern Tonga is a country of villages. The farms surround the villages at varying distances and the villager makes periodic excursions to his eight-acres of farm land. All of this has not been beneficial to agriculture. Much land once cultivated intensively has become bush. There are signs, however, of revival. A prominent chief is inducing his people to give up village life and dwell on their farms. Recently introduced agricultural fairs seem also to offer a much-needed stimulus. It seems likely that the next few decades will see a return to the intensive cultivation of heathen days. The series of food plants has been much enlarged by introductions.

Tracts of farm land are sometimes given the names of foreign lands with which the Tongan has become acquainted in school. More frequently, however, tracts within the villages are given such names. The Tongan seems to have a considerable interest in geography and he likes to travel. His geographic poems amply attest this. This love of travel and of topography is still rife. The monthly steamers and the sailing passenger boats carry many Tongans from one part of the archipelago to another or to more distant Samoa and Fiji. Modern vessels continue to cater to the Tongans'

22: West M-3 (1846-1855) 1865 OU9 Tonga OU9

643 668 anarchy and bloodshed. As one chief, if belonging to the *Hau*, acquired sufficient strength, he disputed the title of the reigning prince; and, if successful, his chance of retaining permanency of power was quite as precarious as that of his predecessor. In some instances, the title established by [669] force of arms, remained in the same family for several generations; disturbed, however, by frequent rebellions.

643 565 423 The feudal principle, that the whole country belonged exclusively to the king, regulated the disposal and tenure of lands, and necessarily placed the common orders of the community in a condition of serfdom. The king was chief magistrate, [692] and the ultimate source of appeal. His power was [634] frequently delegated to the governors of the various groups of islands, or great districts, and from them to inferior chiefs. No chief could interfere with the tenant of another; and should he desire revenge or justice, it could only be obtained through the legitimate lord, unless he chose to risk a contest. Lands were held in fief. The great landlords derived them by hereditary right, in conjunction with their chieftainships; but held them, nevertheless, at the will of the supreme ruler. These, in turn, subdivided them among their families and followers. It was on the great chiefs that the king depended for military support, which they gladly rendered him, as the title by which they retained their possessions. Through them, also, [651] the king received a general tribute from the people. 565 The chiefs, also, in their order, claimed the service 423 or property of their retainers. This right was 425 regulated by no specific law, so that immense [671] abuses crept in. The lower order was ground

22: West M-3 (1846-1855) 1865 OU9 Tonga OU9

down and oppressed by that above it. Thus, if a man or family possessed flourishing lands, or a stock of hogs or poultry, or any other kind of wealth, these were never secure from the covetous eyes of a superior. At any moment, any portion of his goods, or all, might be demanded by an imperious chief, and appropriated to his own purposes. This system acted as an effectual bar to general improvement in the cultivation of the soil, or the acquirement of property, by the mass of the people. Beside this general right of the chiefs to despoil their inferiors, the king, or his immediate representative, could assess labour upon the entire community, when and how he pleased.

Servile homage was paid to superiors, particularly to priests and chiefs of the highest rank. Neither their persons could be touched, nor their houses entered, without express permission. Among them a considerable degree of courtesy prevailed, accompanied by a refinement of language and demeanour, which indicated conscious rank. The distinction, indeed, between themselves and the lower classes, was marked by these things, more than by any great superiority in houses, or dress, or food; and that this distinction might be carried to its farthest limit, the chiefs had a conventional or courtly dialect, understood and used only among and to themselves. Respect for the persons or property of the common people was unknown, when in conflict with the covetousness of a superior. If a common man made use of any consecrated property belonging to a chief, or if he came into the presence of a chief with a wreath about his head, or with the head wet, or should he touch the head of the chief, or reach to take any object from above where he sat, or should

31: Nayacakalou E-4,5 (1957-1958) 1959
OU9 Tonga OU9

421 423 427 671 178

> per annum for each holding of about eight acres. In dealing with the land I could not hope to rid myself of these superfluous landlords, but I could, without evoking dangerous opposition, deprive them of all power over their estates. I determined to make the Crown collect their rents and pay it over to them, while reserving to itself all rights of granting allotments and evicting tenants. Thus for all practical purposes the land still belonged to the State; for so long as the rents were paid to the lords of the manor, the Government was virtually the landlord, and the king had voluntarily made over to the Treasury all rents due upon the lands not included within any "inheritance".

Thus the changes affected, while they resulted in a reshuffle at the top of the structure, left the individual family man in much the same position as before. This last point is put most succinctly by the Beagleholes in a passage in their book:[11]

> The villager therefore no more owns his land today than he did in aboriginal times. A former produce "rent" or tribute is now paid in tax money. Present day security of occupancy is probably for many Tongan commoners greater than formerly when the will or caprice of a high official was the only fiat that counted. But in general, the villager has the same type of economy-status claim to his land and its produce as he had under the old system of Tongan land ownership and feudal control.

2—The Present Statutary Framework

421 423 643 565

Today all the land in Tonga belongs to the Tongan Crown; but the traditional "inheritances" referred to by Thompson, which correspond to the holdings of the "barons" of former times, are now classified into Royal Estates, the estates held by members of the Tongan Royal Family as their traditional holdings; Noble Estates, the estates held by members of the nobility as their forefathers had done under the king in former times; and Government Estates, the remaining estates which are now under the direct control of the Government of Tonga.[12]

[428] The first two categories are often referred to as hereditary estates to distinguish them from Government estates and are now heritable at law as they were by custom. Each such estate is known as a *tofia* and may run into a thousand or more acres; each member of the Royalty as well as of the nobility may hold several of them in different parts of the kingdom (see fig. 1 for distribution of *tofia* on Tongatapu). From them, allotments are granted to individual Tongans.

425 884 423

On reaching the age of sixteen years, every male Tongan is entitled to receive a grant of 8½ acres[13] of bush land as a tax allotment and a

[11] Beaglehole 1941:19-20.

[12] I am uncertain as to how these estates came to be in the hands of the Government. See passage from Thompson 1894:230-231, already quoted.

[809] [13] One often wonders why the awkward figure of 8½ acres. Traditionally the allotments made to individual Tongans measured 100 fathoms x 100 fathoms = 40,000 square yards. 8½ acres = 39,930 sq. yds.; hence it is simply the traditional measure taken to the nearest ½ of an acre.

31: Nayacakalou E-4,5 (1957-1958) 1959
OU9 Tonga OU9

grant of not more than 1 rood 24 perches in a town or village area as a town allotment. Each allotment is called an *api;* the former *api tukuhau* and the latter *api kolo.* There appear to be only two legal restrictions on where the allotments may be located: the tax allotment and the town allotment must be in the same locality[14] and the holder of an hereditary estate may refuse a grant to someone from a different area if there is not enough land on his *tofia* for all the people living in his own locality. Subject to these reservations, a man who applies for an *api* will normally be granted one if land is available, whether the estate is Royal estate, Noble estate or Government estate.

Although no one may hold more than one *api tukuhau* and one *api kolo,* a man may receive a block of bush land of 12½ acres at a rental of 4/- per annum if he forgoes his *api kolo.*[15] Holders of land on hereditary estates may, in addition to the *api tukuhau* already in their possession, be granted a lease of an area not exceeding 5 acres at a nominal rental for a period not exceeding 50 years. Holders of tax allotments on Government estates may be given a lease over a greater area for the same period provided that the lease does not exceed the area of the allotment they already hold.

Each tax allotment carries a tax of 8/- a year and may be forfeited if the holder defaults from paying this amount for three consecutive years. The amount is collected by the Government which pays it over to the member of Royalty or of Nobility from whose estate it comes, or holds it as Government revenue if it comes from a Government estate. But of moneys received as rent from leases on hereditary estates, only 90 per cent goes to the holder.

As the Crown owns all lands, all applications for grants must be made to the Minister of Lands; applications for leases must also be made to him, but can only be authorized by Cabinet. The Minister approves grants only under certain conditions. No land holder may sell his holding or dispose of it in any way; nor may he enter into any agreement for profit or benefit regarding the use or occupation of his land other than in the manner prescribed by the Land Act. An alien may not hold or occupy land except as provided for in the Act, and a land holder may not permit an alien to reside on his holding unless the alien has obtained a permit or lease. An allotment holder must, within one year from the date of his grant, have growing on his allotment 200 coconut trees planted at intervals of 30 feet and must keep his holding free from weeds. He is not allowed to mortgage or make an agreement pledging or charging his growing crops. And he may not be expelled from his allotment by the holder of the *tofia* except on the authority of the Minister of Lands.

While disposal of land by individuals is absolutely forbidden by law, there are provisions in the Land Act by which land may be inherited.

[14] I.e. village locality. This is not coterminous with the *tofia* area, for people in one village may hold land in different *tofia.* This restriction simply means that a man who holds a town allotment in one village cannot hold a tax allotment in another village or in another part of the kingdom.

[15] I.e. he can have the equivalent of 1½ *api* at half the price of one. For a fuller treatment of the land law of Tonga, see Hoek 1949.

31: Nayacakalou E-4,5 (1957-1958) 1959
OU9 Tonga OU9

The land is low-lying and absolutely flat as most of the island of Tongatapu is. Without hills to trap the rain clouds the rainfall is not copious, so that the land, which is highly fertile, is fairly easily worked. The flatness of the country is fully reflected in maps of *api* which appear as neat little squares formed almost by drawing straight lines from one side of the island to the other.

4—ACQUIRING AN *API*

How does a man set about acquiring an *api*? The commonest way is through inheritance, the rules for which have already been referred to.[*] But for those who cannot inherit, the usual thing done is to wait for an *api* to become vacant. A man then approaches the chief, either directly or through someone related to him, or the Town Officer, to obtain approval for occupying the vacant *api*. Once this is granted, approval by the Lands Department is pretty well assured, and all that remains is to complete the formalities.

For those who come from a different area the business of acquiring land is much more difficult. They may have to 'sit around' in the village for a considerable time before an *api* finally becomes available for them. They could try, of course, by applying directly to the Lands Department; but this is in any case subject to there being enough land to go round in the locality concerned. In every case, considerable influence is exercised at the local level, and the role of hereditary holder of the *tofia* cannot be over-emphasised.

This is the general framework within which a man operates in the business of acquiring land. At this point I would like to quote the cases of three men who were interviewed on this subject:

A

I come from Niuafo'ou, and am using X's *api* to support both his family and mine. He has another *api* in M but does not use it. He is old and retired now. I am not related to him, but when I first arrived here I went and asked him if I could use his land as he was of the chiefly family and might have been able to help me get land (the chief was not here at the time). He agreed and I have been using his *api* since . . . I did ask the chief for an *api*, but there is none available. I said I would try at E, but the chief said he would let me have one as soon as it becomes available.

B

I am now living here with my wife and my grandson. I have only one daughter who is married in this village. I have no *api* of my own, but I share the use of her husband's *api* with him, and also use some of V's land. I have my own *api* in Vava'u where I have sons who are using it at present. I have not sold any cash crops from V's land because I just started using it in June. I have planted some bananas there, but the first crop is not yet ready. I do sell bananas from my daughter's husband's land, and the largest number of cases I have packed is about 5. I have no *api* because none is available for me. I am undecided whether to stay here permanently; of course I would like to

[*] See p. 100.

31: Nayacakalou E-4,5 (1957-1958) 1959
OU9 Tonga OU9

stay here, if I can get an *api*. I like it here because there are many more facilities here than there are in Vava'u—transport, employment, and also the land is easier to work here, for Vava'u is rough and rocky country . . .

C

I got my *api* from my father. I have two brothers living in this village, but neither has an *api* of his own. There are also two sisters, one of whom is married in this village and the other unmarried. I use my *api* on my own. I don't sell any copra from it—only bananas; about 10 or 15 cases per shipment. Last time I sold 7 cases, and before that 12. The most I have ever done is 35 cases . . . I pay 8/- a year for my *api*; and sometimes I take my first fruits to the chief. He never asks me for anything . . .

It appears that acquiring land is not as simple an affair as a perusal of the legal rules would make it out to be. While full control of the allotment of *api* is legally vested in the Minister of Lands, there are considerable local factors to be reckoned with. One of the most important of these is the authority of the hereditary holder of the *tofia*, which appears to be considerable despite the strict letter of the law. For while the law lays it down that application should be made to the Lands Department which should find the land, reference to the holder of the *tofia* being distinctly secondary, in practice this procedure seems to be reversed. Furthermore, while expulsion is a matter for the Minister of Lands to decide, it is difficult to imagine that, from the nature of the chief's authority over his people and their relations to him and to one another, his decision to expel is exactly as meaningless as the legal system is prepared to grant.[21]

5—The Distribution of Village Lands

Although land holdings are legally conceived and recorded in terms of individuals, I shall, in this section, consider the distribution of land in terms of households. This approach has distinct advantages from the point of view of a social study, for individuals do not exist *in vacuo* and in any case other features of the Tongan economy are best understood in these terms.

The material already given shows that the number of households in the village and the number of *api* normally held within the village tally pretty well—106 households to 107 *api* (including currently vacant *api*). Hence if distribution were in terms of households the task of allocation would be a relatively simple matter. However, there are several factors always forcing this fairly symmetrical relationship into the oblique position where there are households without *api*, *api* not being occupied by any households, households with more than one *api* and *api* being used by more than one household. The actual distribution of *api* among the 106 households is as follows:

[21] In this and other matters, the spirit of the culture still plays queer tricks with the letter of the law.

Chiefs, and the institution of a landed nobility. The third section of the Constitution deals with the operation of the new system of land tenure associated with the newly-created nobility.

The creation of the landed nobility was built in to the radically reorganized system of land tenure (Lātūkefu 1974, Rutherford 1971, Waude 1971). The entire country was divided into tracts of land designated for agricultural purposes and tracts designated for residential purposes, bush land (*'uta*) and town land (*kolo*). All town land was to be the property of the government, who would lease land in residential areas to those who wished to dwell there. Bush lands were divided into large parcels of land known as *tofia* ('inherited estate'), most of which were vested in individual nobles. Allotments of agricultural land could be obtained by leasing them from the owner of the *tofia*. The intent of these provisions, as Rutherford explains it, was to create

> . . . a peasantry with secure tenure of portions of land adequate to satisfy their needs and free from chiefly demands and encumbrances, and a nobility with holdings large enough to satisfy their relatively higher demands for status and remuneration (1971:99).

The new system of land tenure was an instrument of security for the state, for it reinforced long-standing prohibitions by Tāufa'āhau against the sale of Tongan land to foreigners. However, the institution of leasehold set aside the principle of life-long security of tenure for

was completed.

The steps leading up to the proclamation of the Act of 1882 have been set out here in some detail because this is the Act whose basic provisions have remained in force to this day. The Land Act of 1927 brought up to date the Act of 1882 and subsequent legislation (Kayacakalou 1959). There have since been minor amendments, but none of these have affected the main features of the Act of 1882 (Wylie 1967). These laws provide that every Tongan male aged sixteen and over is entitled to a residential allotment (*'api kolo*) of two-fifths of an acre and an agricultural allotment (*'api 'uta*) of eight and a quarter acres. Once an allotment has been granted, the tofia owner may not dispossess an allotment holder under any circumstances. Allotments are vested in the individual allotment holder and are heritable in the male line. Any other form of disposal of an allotment is forbidden.

This, then, is the historical background to the Tongan system of land tenure. My purpose has been to indicate how those provisions of the system of land tenure that affect access to land by ordinary Tongans living in villages came to be the way they are. It must be noted, however, that the system of land tenure--while certainly it has local manifestations--is essentially a societal or national-level system, and is bound up with the new system

621 Patu himself came to live in Motulahi, it is clear that
622 for some time before that he took a considerable interest
in the village, actively encouraging the growth of the
621 village population. This was done mainly in the traditional
622 chiefly manner, by alloting relatively desirable portions
423 of land to selected individuals who were thereby enabled
425 to support large households and be assured that their
descendants would have access to land (Decktor Korn 1976).
Among the men recruited by Sione Patu in this way were a
famous dancer, a promising young teacher, and an able
[565] carpenter. It must be understood that the noble did not go
about openly offering land to men who were not already 'his'
people, for this would entail naked competition among the
nobles. Yet , if a promising man should marry the daughter
of a Motulahi family, for example, land was readily
available to the new son-in-law. More simply, land could
easily be made available to a relative of the noble,
however distant, even if he was not already from Motulahi.
And land was certainly available to those who came seeking
an allotment, if the noble wished to have them on his
estate.

There was considerable migration from the noble's
621 island of Tungua in Ha'apai to his village of Motulahi in
622 Tongatapu. This movement, in particular, reflects Sione
166 Patu's policies. I was told that in the 'thirties and
'forties he had told his people in Tungua that he had

46: Decktor Korn E-5 (1969-1970) 1978 OU9 Tonga OU9
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621 622 166 land a-plenty to give out in Tongatapu, whereas the growth of population was rapidly reducing the amount of land that would be available in the future for new allotments in

161 162 Tungua. And, indeed, today there is a severe shortage of land on Tungua, as there is on other islands in Ha'apai. According to the census of 1966, the island of Tungua had a population of 444 with a land area of less than three-

161 162 423 quarters of a square mile. The following is a report on the land-holding situation on Tungua in January 1970, written by a social anthropologist who conducted fieldwork on Tungua in 1969-70:

> There are 90 bush allotments . . . on the island covering an area of some 240½ acres. They range in size from 1¼ to 8¼, only one being this last area . . . The average mean size is 2.6 acres . . . over one half are three acres or less. Preliminary figures on landholding reveal that there are 14 out of 57 (or 24.3%) households without registered land (that is, without legal title to land and therefore no security of tenure); in addition to the 14 heads of household without such title there are 33 sons over 18 in the same situation (Garth Rogers, personal communication).

621 622 166 In encouraging his people to move to Tongatapu, Sione Fatu also pointed out that with increasing modernization and especially the drive for education, Tongatapu would inevitably become the center for development and that people would be well-advised to move to the main island ahead of

[873] [658] [425] the waves of migration that were bound to occur. Sione Fatu's foresight regarding national trends is also reflected in the fact that in the mid-'forties he made available about

621 250 acres of his estate at Motulahi to provide a new site
622 for Tonga College, the government boarding school of
166 secondary education. He was recompensed with a 200-acre
873 estate from government land at Vaikeli, originally part of
658 a government estate immediately to the west of his own,
425 while the people of Motulahi gained a major educational institution at their doorstep. (This has proved to be an additional advantage and source of attraction for residence at Motulahi.) Thus, among the 145 households in the village in 1970, we find 44 households headed by those who
871 moved to Motulahi in the 'thirties and 'forties. It was explained to me that the families had come to Tongatapu so that the children could attend the better schools on the main island, and that they had settled at Motulahi because the noble had made it easy for them to do so.

The impact of Sione Fatu's encouraging settlement at Motulahi a generation ago (i.e., around 1940) is apparent when we distinguish among adults living in Motulahi in 1970 according to the criterion of whether they were raised in Motulahi or were already adult when they first came to live in the village. (In speaking of adults, my reference is to persons aged twenty and over.) Table 4 shows that over 70% of those who were no longer children when Sione Fatu's policies came into effect grew up somewhere other than Motulahi and were already adult when they first came to live in the village. In contrast to these people, more

[TEXT CONTINUED ON PAGE 80]

621 Seventy-eight of the households in Motulahi in 1970 (54%)
622 had a male and/or female head who had first come to
166 Motulahi in Sione Fatu's time. There were only ten house-
591
592 holds in 1970 in which neither the male nor the female head of the household had lived in Motulahi in the period that Sione Fatu was the noble (and of these households, four were established by church ministers or teachers, appointed to work in Motulahi by outside agencies).

622 Sione Fatu is generally regarded as having been not only a far-seeing progressive but also benevolent in his
659 policies. A number of people told me of his benevolence
423 with specific reference to the following circumstances: Motulahi was surveyed in 1961 (part of the first official Cadastral Survey ever undertaken in Tonga) and allotment boundaries were defined. Until the survey, not many people in Tonga had registered their residential and agricultural
622 allotments. Sione Fatu, however, encouraged people to
659 register their allotments as soon as they had been surveyed.
423
[565] This was perceived by the people who told me of it as a
[425] generous concern for their security, for once an allotment
[428] is registered it is beyond the power of the noble to withdraw it from the allotment-holder or withold it from
[425] his rightful heirs. His encouraging registration is regarded as doubly generous because, when he had allotted land in earlier years, he had in many cases given men considerably more than the statutory agricultural allotment

of 8¼ acres. In consequence, there had been land available for these men's sons when they grew up, without the necessity of requesting land from the noble. These allotments were also registered, and thus Sione Patu was perceived as a generous noble who gave land freely to those who needed it.

Sione Patu died in 1962, leaving no children. He was succeeded by his brother, Havea Veikune, who is the present noble of Motulahi. In contrast to the growth of village population during the period that Sione Patu was the noble, there has been little growth of village population since the succession of Havea Veikune. In the report on the national census of 1956, the population of Motulahi numbered 1,093, compared with 1,122 in the census of 1966 and a total of 1,192 in my census of the village in 1970 (see Table 6). Thus, in the years between 1956 and 1970, the population of Motulahi increased by less than 10%, whereas the national population increased by 50% during the same period. It should also be noted that if birth and death rates were the same in Motulahi as they were in the rest of the nation (and there is no reason to believe that they were significantly different), then for the Motulahi population figure to have remained fairly constant, there must have been a net outflow of population from the village.

The people of Motulahi account for the standstill in village population figures by contrasting the policies and

[TEXT CONTINUED ON PAGE 85]

621 population cannot be attributed simply to a 'benevolent'
622 noble being succeeded by one who is not so described. Sione Fatu was the noble until just four years before the census of 1966, and thus the net standstill in the 1956-66 population cannot be attributed solely to Havea Veikune's lack of generosity in dealing with people's requests for land. Furthermore, 30% of the total adult population of Motulahi in 1970 only came to live in the village after Havea Veikune succeeded to the title (and fewer than half of these people married in or were appointed to live in
[425] Motulahi by outside agencies). Finally, while none of the men who first came to Motulahi since Havea Veikune took on the noble title has received an agricultural allotment in Motulahi, the fact is that Sione Fatu granted only four new allotments after 1950 and not everyone who came before then was successful in obtaining land.

In most cases, people who were not successful in
621 obtaining land from Sione Fatu must have left the village,
622 since in those days there was more land available elsewhere
423 than there is now. Nevertheless, I know of at least one
425 household of people who have lived in Motulahi for more than twenty years who speak bitterly and resentfully of Sione Fatu not acceding to their requests for land. When the husband and wife came to Motulahi as a young couple in the early 'forties, they first lived in the household of the wife's younger brother. In 1946 Sione Fatu gave them

their present residential allotment, which is where they and their children have been living ever since. However, despite repeated appeals and the customary gifts of pigs and kava, Sione Patu always deferred fulfillment of the man's request for land, while never making an outright refusal. (These people also told me of another man who had come to live in Motulahi in the 'forties, seeking land, but who left the village after giving many pigs but receiving no land.) There are now two adult sons in the family, but there have been no further requests for land since the boys came of age to be eligible for an allotment, for it is regarded as hopeless to expect land from Havea Veikune if there was none forthcoming from Sione Patu. Since they first came to Motulahi the family has been sharing the agricultural allotment of the wife's brother, and that allotment of land now supports a total of more than twenty people.

Thus, it is not only Havea Veikune who has withheld the allocation of agricultural allotments. However, almost up to the year of Sione Patu's death, young men received their allotments from the land that had been allocated to their fathers many years previously. These allotments are regarded as having been granted by Sione Patu, for the formal approval of the noble was required before the land could be registered in the young man's name, even though in effect that land had not been under the noble's control for

621 many years. Thus, it was not until that generation of
622 young men had already received their allotments, which was
423 after Havea Veikune became the noble, that there has been
425 general awareness in Motulahi of curtailment in the allocation of agricultural land.

However, the fact is that there has been almost no new allocation of agricultural land in Motulahi since about 1950. As I understand this, it is not a matter of miserliness or generosity on the part of one noble titleholder or another, but rather that in the 'thirties and 'forties there had been plenty of land available for allocation in Motulahi and that eventually this was no longer the case. Owing to the policies of Sione Fatu, large numbers of
621 people were attracted to settle in Motulahi. By the early
423 nineteen-fifties the village reached the point of population density and shortage of agricultural land that has been generally characteristic of Ha'apai since about the same time, but which only later began to occur elsewhere in Tongatapu. It is this, I would argue, that accounts for the fact that the population of Motulahi has been at a relative standstill since 1956, while the population at most other places in Tongatapu continued to expand. In other words, what would have been excess population in Motulahi has been absorbed in other areas that have not yet reached Motulahi's point of population density and

621 unless one lives near enough to other members of the
612 fāmili to facilitate frequent visiting back and forth. Such visiting would certainly be possible if members of a fāmili lived in neighboring villages, but the fact is that it is not common for fāmili membership to straddle
612 village boundaries. In the first place, the means of
621 acquiring an allotment (or acquiring access to the use of
423 someone else's land) make it unlikely that male members of
425 a sibling descent group would live in neighboring villages rather than in the same village. If they were living in neighboring villages rather than the same village this suggests that there might be strongly divisive elements in their relationship, in which case they probably would not belong to the same fāmili even if they lived in the
[593] same village. It is also not common for brothers and
621 sisters to live in neighboring villages. Since the
584 intentions of unmarried men are generally regarded with
571 some suspicion, patterns of courtship do not favor marriage
[589] between men and women of neighboring villages: one either courts in one's home village, where people are known to one another and where there are sanctions for proper behavior, or one conducts one's courtship away from home, in which case a neighboring village is too close to be
621 attractive. The effect of these elements is that there are
612 relatively few cases in which the wife is a member of a
593 sibling descent group based in one village and the husband
592

46: Decktor Korn E-5 (1969-1970) 1978 OU9 Tonga OU9
Tongatapu
Motulahi

642 Except at the most senior levels, government civil servants and other executive officers in Tonga have little power. Therefore, while formal procedures exist for people to deal with various levels of the government hierarchy, intermediate levels of the hierarchy are often by-passed. Instead, the ordinary villager usually functions as a private petitioner vis-a-vis those at high levels of authority in government, for personal representations to these people generally are more effective than trying to work through government channels. The result is a direct and very immediate relationship between villagers and national leaders, despite what may be vast differences between them in rank. Thus, a number of men in Kotulahi told me that they had been allocated their agricultural allotments on government estates on Tongatapu and 'Eua through having petitioned in person at the house--not the office--of the Premier, accompanied by a matāpule ('ceremonial orator') to speak on their behalf. This system of recourse to personal representations is similar to the way in which high chiefs were traditionally approached. In short, in the words of a man from New Zealand who spent some years in Tonga in the 1960s, working for the Tonga Government, government in Tonga "is western in its legal form, Tongan in its benevolent but autocratic practice" (Walsh 1967: 121--italics in original).

612 423 425 646 642 178 [565]

53: Marcus E-4,5 (1972) 1975 OU9 Tonga OU9
Ha'apai
'Uiha

In 'Uiha, slightly under half of the *'api tukuhau* were unregistered and thus technically held by commoners at the pleasure of the noble. Nevertheless, I recorded no cases of eviction. However, there were cases in which landholders whose lands were both registered and unregistered consented to 'switching' or redistribution of their lands at the request of the noble. The noble periodically requests goods from his people, most often in kind (pigs, yams, or other root crops), occasionally in money (I heard of one request for $ 100 T).[8] There was occasionally some grumbling among villagers about the injustice of these offerings, but in effect such requests are made infrequently and are always fulfilled. The noble, through his representatives, maintains an interest in the happenings within his village and sets policies for his people to follow (such as the decision to fence pigs in or let them run free), whether these accord with policies of government departments or not. Finally, the noble is in fact the largest landholder in the community, reserving for his own use a number of *'api tukuhau*. He has the option of distributing these lands to people he chooses, either for temporary use or for permanent acquisition, or he can leave his lands idle.

The above sources of *de facto* noble power on the *tofi'a* may vary considerably from community to community based on such factors as the noble's personality, the economic conditions of his family estate, and the type of relations he has to the people of his *tofi'a*. One might suppose that a noble is in fact most powerful on a *tofi'a* where he is native and resident, and least powerful on one where he is non-native and non-resident. Given the variations that might occur, the above legal limitations and existing sources of traditional prerogatives are the constants which define the content of noble-commoner relations at the village level.

In the case of type 2 villages, e.g., 'Uiha, face-to-face contact between noble and villagers is periodic. In 'Uiha, the noble, who is a Member of Parliament in Nuku'alofa, visits his estate about three times annually, each visit being one or two weeks in duration. Otherwise, the noble makes his requests known to his people through radio messages, through announcements at *fonos*, i.e., mandatory community meetings, or through his personal representatives.

Whether face-to-face or indirect, the following appears to be the pattern of noble-commoner contact within villages: a noble makes requests or queries known to his people *as a whole*, either through an intermediary or through the institution of the *fono*. That is, the noble

[8] $1.00 Tongan is equal to approximately $1.25 United States. Values in this paper are expressed in terms of Tongan dollars.

54: Cook G,T-5 (1777) 1967 OU9 Tonga OU9

afterwards more came droping in to the number of a hundred or upwards, mostly old men and all dressed as above discribed. As soon as they were all come in a large root of Cava, brought by one of the King's Servants was produced, and a bowl which held at least four or five gallons; several person went to chewing the root and this bowl was made brim full of the liquor, and several Cups were made of the Plantain leafe while it was preparing.

The first Cup was given to the King which he ordered to be given to another, the Second was brought him which he drank and the third was offered me. Afterwards as each Cup was fill'd the person who filled it asked who was to have it, and a nother named the person and to that person it was carried; thus they continued till the bowl was emptied which was before half the Company was served, yet no one seemed dissatisfied. As the bowl grew low the person who had the desposal of the liquor seemed rather at a loss to whom he should send the Cups of liquor to and frequently consulted those who sat near him. About half a dozen cups served the whole company, each as it was emptied was thrown down upon the ground where the waiters picked up and carried it to be filled again. They sat as usual with a great deal of gravity and hardly spoke to each other the whole time. All this time did we wait with some impatience, in expectation of every minute seeing the Mourning ceremony begin; when soon after the Cava was drank out, to our great surprise and disapointment they all rose up and dispersed and the King told us he was ready to attend us to the Ships. If this was a Mourning ceremony it was a strange one, perhaps it was the second, third or fourth Mourning, or what was not very uncommon Omai might have misunderstood them; for excepting the ceremony of the green branch, there was nothing in this meeting but what we saw every day.[1] But be what it would as soon as it was over we set out to return to the Ship. As we rowed down the Lagoon or inlet we met with two canoes coming in from fishing, the Chief ordered them to be called along side and took from them every fish and shell they had got, he afterward brought to two others and searched them but they had nothing; why this was done I cannot say as we had plenty of Victuals in the boat; some of this fish he after wards gave to me and some his servants sold on board the ship. As we proceeded down the Inlet we overtook a large sailing Canoe, every person in her that were upon their legs when we came up with her sat down till we were past, even the Man who steered, altho he could not manage the helm in any other position but standing. Having been informed that there was some good Water on

[1] It was in fact the mourning kava ceremony.

63: Urbanowicz E-4,5 (1970,1971) 1974
OU9 Tonga OU9

depending on the rank of the namer). An adoption had to involve changes in rank and changes in residence. *Ohi* transactions, or adoptions in aboriginal Tonga, were transactions between high-ranking individuals. Adoptions and arranged marriages between high ranking individuals played an important part in maintaining the overall stability of the island group.

Titles

What is important to stress for aboriginal Tonga, as opposed to post-1875 Tonga, is the very important fact that *ohi* transactions which involved titles lasted only for one generation. In aboriginal Tonga, when an adoption took place which involved the adoptee receiving a *hingoa*, or "title," from the adopting parent, that adopted-titled-individual could not transmit that title to his own biological (or adopted) child. The title which the adopted child eventually received would have to revert back to someone in the original line of descent in the *ha'a*."

In aboriginal Tonga, titles were given to important individuals (male and female) of the corporate land holding descent group, or *ha'a*. The title was given as a specific form of recognition for the individual. When the individual Ngata received his title of *Tu'i Kanokupolu*, he gave his son Leilua the title *Ve'ehala*. Leilua was thus the first *Ve'ehala*, and *Ve'ehala* is roughly translated as the "wrong footed man." With the title *Ve'ehala* there is associated a specific area of land. It is the title of a man which was transmitted to another individual after a title-holder died (or when a title-holder was unable to perform the duties associated with the title).

When a man could no longer hold a title, the title would not necessarily go to the oldest natural (or adopted) son of the man; the title could be given to a brother of the deceased (or incapacitated) title-holder, the title could be given to a child of the sister of the deceased title-holder, or the title could be given to an adopted son of the deceased title-holder. In aboriginal Tonga, succession to titles depended on several factors, and the decision to pass the title on was a joint decision of the *ha'a*. A prospective title-holder had to be of proper age, had to have the ability to handle the affairs associated with the title, had to have the support of the people to aid him, and had to have the proper rank to accompany the title.

The Wesleyan missionary John Thomas wrote in his journal on one occasion that "there is a union amongst the Tonga people, especially the chiefs, so that they consult each other before they determine anything" (J. Thomas *Journal* entry of February 11, 1826). The titled individual known as the *Tu'i Kanokupolu* had to be supported by the various *ha'a* of Tonga to received the title. Thomas recorded how one individual had given up the "lotou" or Wesleyan religion

63: Urbanowicz E-4,5 (1970,1971) 1974
OU9 Tonga OU9

> This evening Hohela came today to say that Tooboo had yielded to give up lotoo and to be made the Tooicanacabola. In a few days time all the old people are to meet at this part [Hihifo on Tongatapu Island] to make him. This is a serious event (*Journal* entry of December 1, 1827).

As a result of some battles on Tongatapu Island in 1840, the *Tu'i Kanokupolu* Jiosaia Tupou (the "Tooboo" that Thomas mentions above) and King George Tupou (who was made *Tu'i Kanokupolu* in 1845) had a meeting and removed the title of *Ata* from one individual. As Thomas recorded it:

> After this the two Kings met with their chiefs and did depose Ata and another chief called [by the title] Vahai (the latter has been the cause of the wars) and appointed a new Ata and Vahai in their place (J. Thomas *Journal* entry of February 14, 1840).

The titled individual *Ata* had land on Tongatapu Island and this was also removed from him and transferred to the new *Ata*. As Rabone reported it:

> This morning the Kings Josiah & George returned from Hihifo [on Tongatapu] with all their people and the trophies of their victory. We were at the sea side when K. G. arrived and were truly grateful to God who had graciously preserved his servant and all his people so that not one has falled in the war, or even wounded. We gave God the glory and we pray we may ever be thankful unto him. Ata, that was, with many of the rebellious ones are brought here intending to send them to Haabai. They appear truly humbled for their sin & rebellion. We hear the Heathen [or non-Wesleyan Tongans] are all dumbfounded and astonished - may they hear & fear & turn to God (S. Rabone *Journal* entry of February 28, 1840).

Consensus and flexibility were extremely important aspects of aboriginal Tongan life. Cross wrote how the

> Monarch is only a superior Chief, and is absolute no longer than he is supported by others, many of whom have nearly as much power as himself, and in some instances more (In Hunt 1846:30).

One non-missionary of 1850 wrote:

> The government of the islands is despotic, and not hereditary in the royal family. The eldest son of the king does not necessarily succeed his father, but another may be chosen from the sons of a former king, or a younger son may be elected before an elder IF HE BE THOUGHT TO HAVE MORE CAPACITY FOR GOVERNMENT [stress added] (Brierly 1852:98).

The titled individual known as the *Tu'i Kanokupolu* needed the support of the various chiefs to maintain the title of *Tu'i Kanokupolu*, and Cross reported the following for Jiosaia Tupou (installed as *Tu'i Kanokupolu* in 1827 as reported by the Thomas *Journal* entry for December 1, 1827):

> A report is in circulation that the chiefs who are opposed to Christianity are determined to depose our chief [Jiosaia] Tubou and TO CHOOSE ONE FROM AMONG THEMSELVES IN HIS PLACE. It

63: Urbanowicz E-4,5 (1970,1971) 1974
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his (or her) adopted parents (although the child could certainly inherit from his own biological parents). As recently as 1961 the Chief Justice of Tonga stated:

> no person who is an adopted child and has not been born in wedlock to the person from whom he claims to inherit, is now entitled to inherit under the law of succession in any event. (Hammet *in* Hunter 1963:182).

The Chief Justice also pointed out in the same context:

> From the date the Constitution was granted in 1875 until the present time no adopted child has been entitled to inherit under the law of succession and no provision has been made whereby an adopted child may succeed in the future. (*ibid.*).

The 1953 Amendment to the Tongan Constitution changed the Constitution for the high ranking Tongans, but for the bulk of the populace in the twentieth century inheritance rules are guided not by custom but by law. For the Tongan farmer, inheritance of land (in a land-scarce archipelago) is extremely important; and as A. Maude's most recent work on land in Tonga states it, "only legitimate sons may inherit" land, and "these rules of inheritance do not necessarily follow Tongan custom exactly" (A. Maude 1971:113).

It is clear that twentieth century Tonga is not aboriginal Tonga. The "Europeanization" of Tonga removed much of the inherent consensus and flexibility from Tongan society, and researchers and Tongans alike must be made aware of this.

NOTES

1. Funding for the research partially presented in this paper was provided, in part, by an NDEA (Title IV) Fellowship and an NIH Traineeship (PHS Grant 5 T01 GM01382-05). Field work was conducted in Tonga from July to October of 1970 and from August to October of 1971. In the intervening months research was conducted in the major libraries of Fiji, New Zealand, and Australia, with most of the research being done in the Mitchell Library, Sydney, Australia. Assistance and information provided by individuals in Tonga, especially those connected with the *Komiti Talafakafonua 'o Tonga*, "Tongan Traditions Committee", is greatly appreciated. Space limitations obviously precludes the listing of all individuals from whom assistance was gratefully received, but see the completed dissertation (1972:v-x). An earlier version of this paper was discussed at a symposium on "Adoption and Fosterage in Oceania" at the First Annual Meeting of the Association for Social Anthropology in Oceania, March 29-April 1, 1972. Numerous people have commented on my Tongan work, none of whom, of course, are responsible for what I present.

2. C. Maxwell Churchward has defined *tauhi* as "to tend, look after, take care of" (C. M. Churchward 1959:463). One of the earliest definitions of the term was recorded by the Wesleyan missionary S. Rabone who defined *tauhi* as "a nurse; a

64: Urbanowicz E-4,5 (1970,1971) 1976 OU9 Tonga OU9

> coming to our Chief all day to state how things were going on. Old Vaea of Houma was the principal person in the Party, AND AFTER CEREMONIES OF DRINKING KAVA WERE BEGUN, HE STATED THAT HIS OBJECT WAS TO APPOINT ANOTHER TUIVAKANO because this one had embraced Christianity, and that as he himself had not embraced Christianity he wished still to have a Tuivakano that he might serve. (This with other observations make me think that the affair is not only a Chiefdom, but somewhat Idolatrous). He wished to be understood as not intending any persecution, but as only anxious to follow up the former service of the Gods, and that as there were some Idolatrous houses in the fortifications, he thought proper that William [Tui'i Vakano] should leave it lest any disrespect should be shown or violence be used to the Idol temples, if the term be not too grand for them. THEY THEREFORE PREPARED THE KAVA WHICH WAS TO BE DRUNK AT THE CEREMONY OF HIS DISMISSAL FROM THE OFFICE, AND CHIEFDOM, AND THE APPOINTMENT OF HIS SUCCESSOR. The Kava is always taken to the persons composing the Party by particular direction of the principal person in the company; and when the waiter gave notice that the bowl was full, old Vaea said "Let Vaea mo Mataello Tuivakano (former name) go down and let Tuivakano come up. THIS WAS THE OFFICIAL SENTENCE WHICH CONSTITUTED HIM NO LONGER TUIVAKANO AND HE INSTANTLY LEFT FOR ANOTHER PART OF THE KAVA RING. Soon after this, old Maafu and Lavaka two chiefs still heathen [or non-Wesleyan], who made the greatest figure in the persecution last year, arrived at the fortifications, and this evening we have heard that Vaea mo Mataele NOW NO LONGER TUIVAKANO shall leave Beka, with all the Christian people [All STRESS added] (Hobbs *Journal*: September 12, 1835).

Not only were individuals installed as leaders in Tongan society or removed from their positions of authority at a *kava* ceremony, but land was also apportioned out in aboriginal times during certain *kava* ceremonies. As another nineteenth century Wesleyan Missionary reported:

> This has been a very important day. At the *Kava* ring this morning, two or three Malagas, or speeches were delivered, after which the whole island [of Tongatapu] was divided into different provinces and persons appointed to govern in subjection to the King [*Tu'i Kanokupolu* Jiosaia Tupou]. This is an ancient custom revived (Tucker 1837).[5]

The various ~~*kava* ceremonies~~ in aboriginal Tongan society served a variety of purposes. *Kava* ceremonies could be held just to share information and opinions but they also served to provide a "seal of approval" on more important functions, such as title installation or removal or the division of land. The drinking of *kava* always was an important aspect of Tongan life and over the years has been the major way in which Tongans have shared and discussed social activities. *Kava* drinking has been the way that Tongans maintained their own cultural identity in the face of cultural (namely "religious") colonialism.

64: Urbanowicz E-4,5 (1970,1971) 1976 OU9 Tonga OU9

this will be an indication that the basic fabric of their culture and society has shifted.

NOTES

1. This is a revised version of a paper presented at the Third Annual Meeting of the Association for Social Anthropology in Oceania (March 13-17, 1974) for a Symposium on "Alcohol and Kava Use in the Pacific Islands." Research was conducted in Tonga from July to October of 1970 and from August to October of 1971. In the intervening months archival research was conducted in the major libraries of Fiji, New Zealand, and Australia, with most of the research being done in the Mitchell Library, Sydney, Australia.
2. There is at least one other alcohol-dispensing club in the Kingdom, namely the "Vava'u Club" in Vava'u. Since my work in Tonga a new hotel has opened in Vava'u, and alcohol prices probably follow the prices of the hotels on Tongatapu. It should be pointed out that in 1970 and 1971 the various clubs and hotels were selling beverages in obvious violation of Tonga's "Blue Laws" which (theoretically) forbid essentially all non-religious business activities on Sundays.
3. For further information on rank and title see Urbanowicz 1973:114.
4. Tongans not only presented *kava* roots to important individuals but also took *kava* roots on visits to important places. The Wesleyan Missionary W. Cross, in the islands from 1827 to 1833 and again from 1834 to 1835, pointed this out: "The [Tongan] Chief observed that on former occasions when they visited and [*sic.*] island it was their custom to take large pieces of *kava* for the gods; and that to Nomuka alone they used to take at least 10 pieces" (Cross 1830b).
5. A similar detailed description from Hobbs supports the idea of title removal and land distribution at a kava ceremony: "A 'fai Kava' i.e. meeting for drinking Kava took place at Nuku'alofa on Tuesday the 18th at which [Josaia] Tubou presided of course as the Tui-kanokubolu. Taufa-ahou [also known as King George Tupou] and all the other principal persons were there, and word was sent to Lavaka at the Bea to come and attend before our people and Taufa-ahou left the Island, but Lavaka [still] refused. The ceremony therefore proceeded without Lavaka. THE PRINCIPAL OBJECT OF THE KAVA MEETING WAS TO STATE OFFICIALLY FROM THE TUI-KANOKUBOLU WHO WAS THE[N] [TO] OCCUPY THE GOVERNMENT IN THE DIFFERENT DISTRICTS IN TONGA since the rebellion; and the principal things affected by this appointment are as follows: Old Fatu who was the 1st heathen [or non-Wesleyan] chief who submitted, and who had now come to Nukualofa to the Tui-kanokubolu has got a considerable augmentation of his power in being appointed Tui-Hahake. OLD LAVAKA IS OFFICIALLY DEPRIVED OF ALL HIS POWER BY THE APPOINTMENT OF OLD SEMI AND FOKE as Tui-haamea, because the fortress at the Bea stands in Haamea" [all STRESS added] (Hobbs *Journal*: April 22, 1837).
6. I witnessed a *Taumate kava* ceremony on the island of 'Eua over the period 15 September to 17 September, 1971, having travelled to the island with the royal party on *H.M.V. Kao*. Enroute to 'Eua from the island of Tongatapu, a journey of some four hours, I was fortunate to have approximately a three hour and forty-five minute private discussion with His Majesty King Taufa'ahau Tupou IV (on just about everything under the Tongan sun, including *kava*). Much of my thinking about *kava* has been influenced by my discussions with His Majesty AS WELL AS by numerous discussions with other Tongans, of all ranks. I also took part in numerous kava ceremonies in Tonga occasionally where I was treated as the guest of honor.
7. The *'inasi* ceremony was not only an important ceremony in aboriginal Tongan society but it also had parallels in other parts of Polynesia (Goldman 1970:134; and Sahlins 1958:24-25). The Tongans were a horticultural people and indeed, today, agriculture along with "tourism" are the mainstays of the Tongan economy. The yam

77: Whitcombe Y-3 (no date) 1930 OU9 Tonga OU9

remove them from the shells and set them alight. The flesh of several coconuts is added to the fire and an empty kerosene can with the lid removed is hung over the flames. Black soot collects in the can, and is later scraped out and mixed with the scraped bark of the *koka* tree to make a jet-black dye. 287 386

The garments made for weddings were in two parts: the blouse or upper covering being of *fcta'aki*, and the loin cloth or lower robe of *gafigafi*. At both weddings and funerals a mat (*kie*) was made from *gafigafi* leaves which had been boiled and bleached in the sun. The *gafigafi* tree is now extinct in Tonga, and has been replaced by the *fa* tree. 292 585

For dances and native festivals, a dress was made by sewing together the leaves of the *kulutumu* tree and the *limu fonua*, the latter a kind of creeping moss. Both these plants are now rare in Tongatabu, but are found in abundance on the island of Eua. 292 294

NAMING THE CAPITAL OF TONGA

The capital of Tonga was known originally as Kolofoou, later changed to Nukualofa by the wish of King George Tubou I and his high chiefs. The name was probably taken from that of a rock which stands on the shore at Nukunuku, directly opposite the island of Feleave. The correct name of the rock is said to be Nuualofa, (The Land of Love). It is thought that Captain Cook used this idea in naming the whole group "The Friendly Islands," or "The Islands of Love" (Otu Aga Ofa). 103

TRANSFER OF PROPERTY

(A NATIVE ACCOUNT)

A man appointed to the rank of Muliki Haamea lived on a property at Mua, just by the property Tatakamotoga and Tugis property, Vatulova. As this chief Muliki Haamea was being escorted to Hihifo to be declared Tui Haamea, he was waylaid and murdered by the chiefs of the Hihifo district, on the beach road just opposite the village of Nukunuku, and his body was taken and left on the big rock called Nukualofa. His murderers then went to Hihifo and a man named Togalava heard of what had taken place; he was living at a village called Haateiho and he begged another young man to go with him to see if there was any truth in this story that he had just heard 173 425

77: Whitcombe Y-3 (no date) 1930 OU9 Tonga OU9

from the village of Bea. When they reached Bea they found that the report was only too true; Muliki Haamea was indeed dead.

Togalava and his friend then went in search of the murdered chief's body and they found it on the rock, Nukualofa. The murderers, before returning to Hihifo, had arrayed the body in its coronation robes, namely; the beautiful fine mats that the young chief was taking with him and that were to be worn by him when he was to be declared Tui Haamea, and to have his first kava under his new title.

On finding the body Togalava first bathed in the sea, and then sprang on to the rock and took all the mats off the dead body, and handed them to the other young man to carry. Togalava then put the body of the dead chief over his shoulders and carried it back to the village of Haateiho, a distance of about twenty miles, from the rock where they found it. When they got to Haateiho they built a bier on which the dead chief was placed and then brought to the village of Tatakamotoga, Mua, by five strong bearers—a farther distance of eight miles. When they arrived at Tatakamotoga a *tolia* (house in which native chiefs are laid out to await the grave or vault being prepared) was built. This *tolia* was built just under the big *kau* tree on the government reserve at Tatakamotoga. The body was lying in state there while the *lagi*, known as Loamanu, was being built. It took ~~six months to build this *lagi*~~. When all was ready, the funeral took place.

After the funeral had taken place the chiefs Macaliuaki and Fatea with Tugi's chiefs [this would be Tugi I, as Tugi II is at present Prince Consort and Premier of Tonga] came to the man Togalava and said to him, "What is the value of the work which you have done for us," and Togalava replied, "Do not trouble," and they replied, "Here is the property of the late Muliki Haamea known as Toutai, and Tatai, also Toutai II. These are yours and to be your successors' properties for ever."

PLANTS USED IN THE TREATMENT OF DISEASE

Akataha, Tava, Fekika vao. For fever, stiffness of the jaws, or fixed eyes in children. The trunks of the three trees are scraped and their juices mixed.

Akau veli. For bee sting. The plant is rubbed over the affected part.

Bata, Kanume. For *atuga*. The trunks of the two trees are scraped to obtain the juice, which is used as a drink.

Bolo. For *fefulai* or *kulokula ohu afi*. The leaves are chewed and the juice is painted over the affected parts.

79: Lātūkefu H,I,M-4,5 (1964-1965) 1974
(1822-1875)
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for more than twelve months before the Code's official promulgation. They were printed on 16 May 1838.

Authorities have pointed out that this simple but remarkable Code was largely Tāufa'āhau's own composition. However, the influence of the missionaries is quite apparent in the Code itself, which has a long preamble written in Biblical language.

Perhaps the most striking feature of the Code is the bold step it made towards limiting the power of the chiefs. This was undoubtedly due, to a large extent, to the advice of the missionaries.[1] They believed that all men were equal in the sight of God, and they had long been disturbed by the arbitrary power of the chiefs and the inhuman way they often treated the commoners. The attitudes of the missionaries on the question may be illustrated by the following instances. Tāufa'āhau decided to bury without any ceremony an old woman who died at Lifuka, Ha'apai, where John Thomas was working at the time. 'I told him [Tāufa'āhau]', wrote the missionary after hearing what happened, 'I wished to do towards a poor old woman as I would towards the rich, and that God was no respecter of persons' (Thomas, Journal, 26 Mar. 1831). Again, a charge was brought against a chief of one of the islands of Ha'apai, in a Quarterly Meeting, for appropriating to himself yams belonging to other people, and forcing them to cultivate his land for him without receiving any wages, and also tabooing for the King certain pigs belonging to the people. The missionaries' reaction against this action was firm and decisive. One of them reported:

> We strongly expressed our disapprobation of such arbitrary methods of obtaining supplies either for the King or Chiefs as well as pronounce our views of the inconsistency of the same with the office of a Local Preacher amongst us and our resolution to retain no such persons as preachers from the time to come. (Rabone, Journal, 11 Sept. 1838)

This attitude of the missionaries is reflected in Section 4 of the Code which reads:

> It is my mind that my people should live in great peace, no quarrelling . . . but to serve the God of peace in sincerity . . . ; they

[1] Obviously Tāufa'āhau's own ambitions had a lot to do with this move.

79: Lātūkefu H,I, M-4,5 (1964-1965) 1974
(1822-1875)
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they were capable of intensive labour to supply their needs. To the missionaries, however, all idleness was a breeding ground for sin and crime, and they determined to put an end to it. A reflection of this sentiment may be seen in Section 3 which exhorts the chiefs to show love to the people under them but to require them to be industrious and perform their duties to the government and to the chiefs. It also states that the chief should apportion land to the people, sufficient to enable them to procure the necessities of life and support a family. And in order to safeguard the gardens, provision was made to that effect in Section 5 which prohibited anyone to allow his pigs to run loose and damage other people's gardens.

Sale of rum and other spirits to the Tongans was a cause of constant worry to the missionaries. One of the later missionaries wrote to the General Secretary of the mission on the subject. 'What will be said when a Tonga man drinks 3 bottles of strong spirit in one day and laughs at it and says he did not take enough to make himself drunk, and yet this is the case. Will not the curse of the Holy one be upon those Europeans who thus bring the cup of death to this (sic) . . . islanders' (Baker to Eggleston, 18 Dec. 1861, Baker 1860-79). Some years later, when one of King George's sons died, the missionaries did not hesitate to attribute his death to excessive drinking. The prohibition of the sale of hard liquor by the new laws and its being punishable by 'a fine to the King of Twenty Five Dollars'[2] and a liability 'to have the spirits taken from him', was obviously a reflection of the missionaries' sentiment.

The missionaries' attitude to heathen customs and traditions (especially those which had any religious connection) was one of uncompromising intolerance. They identified Christianity with 'civilisation' and the latter with the habits and customs of an English town or village, and anything contrary to them, such as Tongan customs and traditions, was uncivilised or unchristian, and therefore ought to be destroyed. Bishop Blanc (1934:38) asserts that 'It seemed to be the aim and object of the former [Wesleyan missionaries] to instill into the minds of the people the idea that all pleasures were sinful. To this end they prohibited,

[2] This was a Spanish dollar and it was worth four shillings sterling.

79: Lātūkefu H,I, M-4,5 (1964-1965) 1974
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> I was not aware it was the part of the instructions of Consuls to investigate the antecedents of the missionaries. Before entering the ministry I was studying the profession of my choice; that of the law, and under one who afterwards proved himself to be amongst the first of the profession: hence I have perhaps as good an idea as some others. (L. and B. Baker, 1951:12)

When one examines the 1850 and 1862 Codes of Laws closely one finds that about 75 per cent of the main clauses of the 1862 Code were taken out of the 1850 Code with changes of wording and alterations in the arrangement of clauses. In the 1850 Code, for example, the law concerning land is found in Clause XXIX which reads:

> *The Law referring to the Soil*
> It shall not be lawful for any Chief or people in Tonga, Haabai, or Vava'u, to sell a portion of land to strangers (i.e. foreigners); it is forbidden; and any one who may break this law shall be severely punished.

Whereas in the 1862 Code it is found in the second clause and reads:

> *The Law concerning the Land*
> It shall in no wise be lawful for a chief or people in this Kingdom of Tonga to sell a piece of land to a foreign people—it is verily, verily forbidden for ever and ever; and should any one break this law he shall work as a convict all the days of his life until he die, and his progeny shall be expelled from the land.

The fact that a considerable proportion of the 1862 Code of Laws was a reproduction of the earlier 1850 Code shows that even if Baker's knowledge of the Tongan language was imperfect at the time and the story of his law studies a fabrication, he could still have managed to play the part he claimed to have played in drawing up the Code. Baker had nothing essentially new to contribute to the Code, for most of the provisions which appeared to be new were merely the results of the logical development in King George's own political thinking. Even the laws concerning the emancipation of the people, the credit for which Baker had claimed for himself, seem to stem from King George, who, as early as 1839, had legislated against the old custom of *hunuki*, that is, marking or

79: Lātūkefu H,I, M-4,5 (1964-1965) 1974
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Another cause of much displeasure to the King and his chiefs was the growing friendship between the missionaries and the traders who, during the 1870s, persistently and arrogantly opposed the Tongan government. There had been a steady increase in the numbers of traders settling in Tonga since the latter half of the 1850s. They disliked the restrictions placed by the government on various features of their trading ventures. Sale of land, for example, was strictly prohibited under any circumstances, making it impossible for them to secure complete ownership of land, and sale of spirituous liquors was severely restricted. At first the traders blamed the missionaries for these prohibitions, but later they realised that the missionaries had become increasingly isolated from politics. They regarded it as unthinkable that they, who belonged to the 'Anglo-Australian' civilised race, should be governed by laws produced by a half-civilised King and his chiefs. One of them wrote:

> They will find their efforts to stay the tide of immigration useless . . . and England, being aware of the justice and importance of protecting, if not actually governing her subjects in these seas, the Anglo-Australian race will settle and find a living in the Friendly Islands, in spite of all the laws passed by Kings and chiefs. (*Fiji Times*, 22 Oct. 1870)

The belief that the British government would eventually annex Tonga was also shared by some visitors who went to Tonga. A traveller named Holt, who went there on a trading vessel in 1865, suggested in an article which appeared in one of the New Zealand papers that more people with small capital should take up business ventures in Tonga, for in a few years they would make a fortune. With regard to the question of security, he said that Britain would certainly take Tonga in the very near future (*New Zealand Advertiser*, 19 June 1865).

A few years later the principal traders sent a petition to the Governor of New South Wales complaining of the manner in which Europeans were treated, and what they were subjected to in Tonga. They requested the Governor to 'define a limit to the arbitrary authority of a government which to say the least, is and only can be semi-civilised' (Rutherford 1971:50).

79: Lātūkefu H,I, M-4,5 (1964-1965) 1974
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of the country were identical, and to obey the laws was to obey the will of their beloved sovereign.

Perhaps the most revolutionary constitutional measures introduced in the 1862 Code were the emancipation of the common people from serfdom, and the setting up of a state revenue out of which the remuneration of government officials was to be paid (Clause XXXIV). There was also a provision dealing with the allotment of farm lands to the people (Clause XXXIV:6 and 7).

The constitutional measures contained in the legislation discussed so far were largely incidental. The primary task confronting the legislators up to this stage was the formulation of laws. It was not until 1875 that a planned constitution was drawn up and promulgated.[1] This constitution was a long document of 132 articles which were contained in three main divisions: Declaration of Rights; Form of Government; and The Lands.

The Declaration of Rights consisted of 32 articles. It contained the usual safeguards, following very closely those of the Hawaiian Constitution of 1852. The first article asserted the right to freedom of person and possessions of 'all people who reside or may reside in this kingdom'. The other articles guaranteed the liberty of every individual, the equality of all men—chiefs or commoners, Tongans or foreigners—before the laws of the country; freedom of worship, freedom of speech, and freedom of the press. The people's right to expect the government to protect their life, liberty and property was also guaranteed, and consequently they were expected to 'assist and pay taxes to the Government according to law'. The right to vote for the representative to the Legislative Assembly was given to anyone (native born or naturalised) who had reached 21 years and paid taxes, and who had 'not been guilty of any major crime such as treason, murder, theft, bribery, perjury, forgery and embezzlement or a like crime'. Jury service was expected of everyone eligible to vote excepting members of the legislature, missionaries, teachers and any government employees (see Appendix D, Clause 30).

The continuing influence of the missionaries was evident in such sections as the provision concerning the Sabbath which declared it to be 'sacred in Tonga for ever' (Clause 6).

In the provisions controlling the labour traffic it was stated

1 [See category 642, pp. 252-284--Analyst]

79: Lātūkefu H,I,M-4,5 (1964-1965) 1974
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The new constitution, in effect, gave the nobles a form of indirect power over their people. The fact that the commoners received their leases of land from the nobles made them feel obliged to give *polopolo* (first fruits) of their crops, the best of anything produced or acquired, or their services to the nobles. Observance of these obligations was regarded as evidence of one's loyalty and as a sign of good citizenship. Applicants and would-be applicants for land had to be particularly generous with their gifts if they were to win favour with their landlord.

Later on, when provisions were made in the laws allowing commoners to register their land, the noble would allot a piece of land for a trial period, the length of which depended upon his own personal whim.[4] If he was satisfied with the applicant's 'behaviour' (particularly his generosity and servility) he would then permit him to register the land, but if he were displeased, he could take back the land and give it to someone else.

In a recent study of land usage in Tonga, Maude writes:

> Since the Emancipation of 1862 the chiefs of Tonga, of whom the nobles are the only ones now recognized in the Constitution, have lost most of their power over their people; they have however, retained some control over the distribution of land, for the title-holder's approval is needed before the grant for an allotment of his estate can be registered by the Minister of Lands. By law the objections of an estate-holder to the grant of an allotment may be overruled by the Minister, but few villagers would ever go to him with a complaint against a noble, . . . Since throughout the period of 'probation' a farmer will be careful to give food and other gifts to the title-holder to improve his chances of obtaining the necessary approval, and since after registration with its consequent security of tenure such gifts are considerably less frequent, some nobles delay registration or even refuse it indefinitely so as to retain some economic control over their people. (A. Maude 1965:105)

The commoners' tribute and subservience, which openly acknowledge the superiority of the nobles, helped to water down the declaration in the constitution that all men were to be equal in the eyes of the law and that everyone had a right to his life

[4] According to Dr A. Maude, who surveyed the land tenure in Tonga, the earliest registration known to the Lands Department in Tonga was in 1898 (personal communication, 20 Oct. 1966).

79: Lātūkefu H,I, M-4,5 (1964-1965) 1974
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Significantly, as the King stated in his closing speech to the 1875 Parliament which ratified the constitution, the basis for selecting the nobles was not that of traditional rank but of the numerical strength of their supporters. Those with large numbers of people living under them were more likely to prove troublesome than those of higher rank but without supporters.

The land section of the constitution, particularly the prohibition on the sale of land, and the provision making it unlawful for any noble to lease land to European settlers without the consent of Cabinet, has proved to be immeasurably beneficial to Tonga. Firstly, it ensured that a great proportion of the land remained in Tongan hands. Secondly, it helped to maintain the political independence of Tonga. Sale of land would have attracted a great many European settlers, and with a larger economic stake in the country they could have applied more effective pressure on the great powers to annex Tonga—as settlers in Fiji and Hawaii exemplify (see Morrell 1960:82, 148; Derrick 1963:223; Chambers 1896:8). Thirdly, it saved Tonga from the racial problems which other islands, particularly Fiji, have had to face. The virtual absence of European plantations in Tonga made it unnecessary to import labourers from other places.

It cannot be said that Baker, the author of this constitution, was an authority on constitutional matters; nor did he bring to the highly specialised task he had decided to undertake an adequate educational background or training in law. However, he followed the Hawaiian Constitution of 1852 very closely, adapting it with the help of King George to the local conditions and needs of Tonga. His other sources appear to have been the English constitutional practice, which he probably derived from the laws of New South Wales, given him by Sir Henry Parkes, the previous Tongan Codes, and the Bible.

Critics were quite merciless in their denunciation of the constitution. A. Mackay, a business man who was in Tonga during the height of Baker's power, and who was very anti-Baker, asserted that the constitution was unsuitable, unworkable and abortive, and certainly reflected no credit on anyone connected with it (*Sydney Evening News*, 21 Oct. 1897). Basil Thomson (1894:229) wrote 'that the pretentious document beginning,

80: Maude K-5 (1961) 1971 OU9 Tonga OU9

that the Tu'i Tonga was the nominal and the chiefs the actual owners of the land, and the commoners simply tenants at will (see Gifford 1929:174-5; Nayacakalou 1959:94-7 and Beaglehole 1941:19), but such terms as 'owner' and 'tenant' must be suspect when applied to a Polynesian culture. Other evidence suggests a pattern resembling that of neighbouring territories, where land rights were held by social groups but were vested nominally in the titled head of that group. Gifford, for instance, notes that land once granted, whether to chiefs, *matapule* or commoners, remained indefinitely in the family of the grantee (see also Martin 1818: vol. II:91); Waldegrave and Radcliffe Brown record that the Tu'i Tonga could not dispossess a chief (Waldegrave 1833:185 and Williamson 1924: vol. III:266); and the evidence of contemporary informants suggests that it would have been unusual for a *fa'ahinga* to have lost its land except through warfare (see also Williamson 1924: vol. III:231). It was also noted earlier that the *fa'ahinga* and the group headed by a chief were basically descent groups and occupied fairly distinct areas, and several recent but knowledgeable informants maintain that in old Tonga a chief allocated land to the various *'ulumotu'a* under him, for their people to cultivate and live on, and that a man obtained the use of land through his *fa'ahinga* and not as a direct grant from his chief as is the case in the present system. An example of this pattern can be seen in Figure 1. The first map of Niutoua, in eastern Tongatapu, shows the pattern of land division around 1910, and the landholders at that time can be grouped into three *fa'ahinga*, each occupying a particular part of the land.[4] One *fa'ahinga* was headed by the former chief of the area and the others by his two *matapule*.

Most of the evidence on landholding within the *fa'ahinga* suggests that in times of peace people lived in extended family groups scattered over the land (for example, Orlebar 1833:49), and almost all contemporary informants state that allotments were held by the heads of these families, with married sons working the lands of their fathers and not holding allotments of their own as at present. Individual tenure, in my opinion, is therefore a recent development.

The above evidence suggests that the various social groups had definite land rights, yet there is little doubt that these rights could be overruled by the chiefs, and that a chief could allocate land even against the wishes of its hereditary occupiers. He was expected to take the interests of his people into consideration, however, and to act in consultation with the *'ulumotu'a* under

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settling people on their farms, and to encourage movement to more sparsely populated districts, the Land Act of 1927 provided for the grant of twelve and three-eighths acres of agricultural land to men willing to forgo their town allotment. Little came of the provision, however, only twenty-three applications being received up to 1934, when the scheme was enlarged to permit grants of fifteen acres. Although several estates on Tongatapu were laid out in fifteen-acre holdings, population growth has led to all but one being resubdivided into eight-and-a-quarter-acre allotments, and a recent amendment has reduced the area that can be granted under this provision to ten acres.

Finally, there have been some changes in the estates. In 1882 hereditary estates *(tofi'a)* were granted to thirty-six titleholders, thirty of them nobles and six of them *matapule* who, although given estates, were not made nobles. Any land not granted to a noble or *matapule ma'u tofi'a* became the estate of the King, but in 1891 Tupou handed over most of this land to the government (Thomson 1894:231). Two more nobles were created and granted estates by Tupou II and one by Queen Salote. There are thus at present several types of estate: Royal estates belonging to the King, Royal Family estates held jointly by the Royal Family, hereditary estates belonging to the nobles and a few *matapule,* and government estates under the direct control of the Minister of Lands. About sixty per cent of the population lives on hereditary estates.

Having outlined the development of the system as it exists in law we may now attempt to assess its effectiveness in practice. The following sections will discuss the acquisition and holding of land, the distribution of agricultural land between households and individuals, and the question of individual tenure and its effect on agricultural production.

ACQUIRING AND HOLDING LAND

The most common and the easiest way to acquire land is through inheritance, but land cannot be willed and the heir to an allotment is determined by precise rules laid down in the Land Act. On the death of a landholder his widow is entitled to a life interest in her husband's town and tax allotments, but she loses this right if she remarries or is found by the Land Court to have committed fornication or adultery. This latter provision is occasionally used but in recent years actions based on it have rarely, if ever, been successful (see Hunter 1963:109-10).

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If there is no widow the land passes to the deceased holder's eldest son, or if he is also dead to his eldest son, and if there is no male heir through the eldest son then the land passes to the next eldest son or his male heir and so on. If there is no heir through the sons an unmarried daughter may hold the land for life, or until she marries or is proved in the Land Court to have committed fornication. Several unmarried daughters may hold jointly. If there are no daughters the succession passes to the deceased holder's brothers and their sons, or failing these, to the brothers of the deceased holder's father and their male heirs. No person may inherit land if he already holds an allotment of the same kind as that to which he is entitled as heir, but where the heir is a son or grandson of the deceased holder and already has land he may choose between his own allotment and the inherited allotment. Should there be no heirs the land reverts to the estate-holder or the government, depending on the type of estate. Only legitimate sons may inherit, and only in very rare cases is an allotment divided between two heirs. These rules of inheritance do not necessarily follow Tongan custom exactly. For instance, succession to an allotment cannot now be traced through a female, and the son of a daughter of a deceased holder has no claim to the land of his mother's father, although succession to an hereditary estate can be claimed through females. In practice, however, where there are no heirs through males the Minister and estate-holders usually allocate the land to the nearest other relative. A study of land acquisition in two villages showed that in one an allotment had passed from a widow to her brother's son, there being no claimant from her husband's family, while in the other, six of the forty-eight landholders interviewed had gained their allotments from their mothers' relatives.

With large families common it is obvious that many men will not be able to inherit land, and for them the only way of obtaining an allotment is to acquire one that is vacant. This has not been easy, however, over the last two or more decades. In the more densely populated parts of Tonga all allotments have been occupied for some time, while in other districts the survey and subdivision of the land has not kept pace with the growing number of taxpayers. Up till 1957 only 2,564 eight-and-a-quarter-acre allotments had been marked out, although there were then about 12,000 taxpayers, and in the less densely settled areas where allotments should have been available much of the land remained in customary holdings of about ten to thirty acres (similar to those shown in the 1910 map for Niutoua in Figure 1).

[See Category 423, p. 109--Analyst.]

80: Maude K-5 (1961) 1971 OU9 Tonga OU9

1). Since 1957, however, most of the remaining areas of Tonga have been subdivided by the Cadastral Survey, and the allocation of the new allotments will be described later.

The process of acquiring a vacant allotment has also been entangled with the problem of the power and influence of estate-holders. On hereditary estates the titleholder has a statutory right to be consulted before an allotment is registered by the Minister, and in practice the applicant must have a signed approval from the estate-holder before applying to the Minister. Although by law the objections of an estate-holder can be overruled by the Minister, few villagers would dare complain against a noble and, even if they did, the Minister apparently does not force registration if the estate-holder still does not approve. Land therefore cannot be acquired simply by applying to the Lands Department. In practice on hereditary estates an applicant approaches the estate-holder or his representative for permission to use and register a tax allotment, having prepared the way with gifts of food. If there is land to spare the applicant will probably be allowed to garden it, but will be told to apply for registration in a year or so. One reason for the delay in approving registration is to ensure that the applicant works the land and meets his responsibilities to the village. All too often, however, estate-holders have delayed registration for reasons of power and personal advantage. Since the Emancipation of 1862 the chiefs have lost much of their power but those granted estates have retained a relatively strong position through their control over the allocation of land. Delaying registration, and threatening to expel those using unregistered allotments, ensures that those hoping to get land, or with sons or other close relatives hoping to get land, will conform to the wishes of the noble and provide food and other gifts on the appropriate occasions. In some cases even money has been demanded, and paid, before registration was approved.

Many estate-holders have therefore been reluctant to see their estates subdivided and the land fully allocated and registered, for registration with its security of tenure reduces their effective power over the people. This is probably the major reason why the survey and allocation of allotments has taken so long, and it is significant that before 1957 almost the only areas in eastern Tongatapu that had been subdivided into eight-and-a-quarter-acre allotments were the government estates.[5] A further reason is that in the less densely settled areas many of the existing landholders have in the past also been opposed to subdivision, for

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if a landholder did not have enough sons or other male relatives to take up all the allotments into which his customary holding was divided some of the land would pass out of his family's control.

The last few years, however, have seen a near revolution in land allocation, the stimulus coming from the Royal Family and the government. In 1957 a New Zealand firm contracted to complete the subdivision of the Kingdom into tax allotments and by 1962, when the Cadastral Survey finished, only Niuatoputapu, Niuafo'ou and some of the smaller volcanic islands remained unsurveyed. The allocation of the new allotments was unnecessarily delayed, perhaps for the reasons suggested above, but by the beginning of 1966 most of the allotments in Tongatapu, and about half of those in Vava'u, had been granted, and it was hoped to allocate the rest within a year or two.

The allocation of the new allotments has been done village by village, and those with pre-existing customary holdings have usually been permitted to allocate some or all of the new allotments into which their land was subdivided, although subject to the approval of the estate-holder (if on an hereditary estate) and of the Minister. Most of the new allotments have therefore gone to the sons and other male relatives of the old landholders, but some have been left for the estate-holder or Minister, and sometimes the old landholder, to allocate to non-relatives. In a rough sample of allotments on two hereditary estates on Tongatapu seventy-seven per cent had been granted to relatives of the old holders. Where land was granted to non-relatives some estate-holders largely chose people who belonged to the village by descent, but others were more willing to allocate land to people who settled in the village in the hope of getting an allotment, although this sometimes caused resentment among local people left without land. In the sample mentioned above twenty-nine per cent of the allotments in one village had been granted to newcomers compared with only ten per cent in the other, and in the latter village probably a higher proportion of the local people given allotments were boys under sixteen years.

For his tax allotment a Tongan pays an annual rent of eighty cents either to the government or to the estate-holder. On many hereditary estates, however, the estate-holder does not collect this rent in money, but instead calls for contributions of food and other materials needed for particular occasions, and these contributions usually amount to much more than eighty cents in value in a year.

80: Maude K-5 (1961) 1971 OU9 Tonga OU9

Eviction from a registered allotment is rare, and provided a landholder complies with the requirements of the law he has complete security of tenure, for all cases for eviction must be heard by the Land Court. Eviction may be for failure to pay rent, for not maintaining the allotment in the average state of cultivation for tax allotments in the district, for abandoning the allotment or for not planting or tending the 200 coconut palms required by law. In recent years cases for eviction have only been brought on the grounds of failure to pay rent, and as the law gives landholders the opportunity to pay within three months of the judgment very few people have actually lost their land. Security of tenure is therefore very much greater under the present system than it was in the past. Moreover, the Land Court has on several occasions held that registration is not the only test of ownership (Hunter 1963:104-6 and 121-5), and where a person occupies unregistered land which has been held by his family by customary right for some time his position is fairly strong. It is only those who have been given permission to use land to which they have no customary right, with the possibility of registration later, whose tenure is particularly insecure and who therefore most need to keep the favour of the estate-holder.

THE DISTRIBUTION OF LAND

The 1966 census, the first in which a question on land ownership was included, revealed that only forty-two per cent of taxpayers actually had an allotment, with the proportion varying from thirty-nine per cent in Tongatapu to forty-six per cent in Vava'u and forty-eight per cent in Ha'apai.[6] A more detailed indication of the distribution of land in particular villages is given in Table 1, which presents the results of village studies carried out in recent years and shows the percentage of households and (for six of the villages) of taxpayers, according to the acreage of land held. It should be noted that these households differ in composition from those of the past; today an extended family grouping is only occasionally found, particularly in Tongatapu, and most households consist of a nuclear family or a nuclear family and a few unmarried relatives. The figures in Table 1, together with census data, show that the distribution of land between both households and taxpayers is distinctly uneven, and differs markedly from the pattern which should result from the provisions of the Land Act In only one village did over half the taxpayers have their legal entitlement of eight and

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In areas of more moderate population density (about 300-400 persons per square mile) the pattern of land distribution on estates which have been fully subdivided is shown in the figures for Ha'akame, Nukunuku and Ha'ateiho.[A] Here most households have either eight acres or no land at all, although in Ha'akame several taxpayers hold twelve-acre allotments and a block of thirty-three acres is held as a lease by the only man of rank in the village. Where the population density falls to about 200 persons per square mile or less the pattern on subdivided estates is represented by the figures for Niutoua in eastern Tongatapu (see Table 1 and Figure 1),[A] where only three per cent of the households in 1962 were without land. Yet even there about eighteen per cent of the taxpayers had no land, because one-third of the registered allotments on the estate were held by people who lived in other settlements, mostly either in Nuku'alofa or in other villages in eastern Tongatapu. Where subdivision and allocation of allotments is not complete the proportion of taxpayers and households without land is very much higher, as is shown in the figures for Vaini in central Tongatapu, where in 1962 about one-half of the estate was still in customary holdings. The recent allocation of allotments has significantly altered the pattern of land distribution on this estate, but has had little or no effect on the other villages discussed above.

The significance of this unequal distribution of land between individuals and households needs to be carefully assessed, for the borrowing of land from relatives, friends or estate-holders is common. It is fairly easy to obtain the use of land for growing short-term and largely subsistence food crops, even in densely settled areas, although many men claim that it has become more difficult in recent years. Where land is borrowed from a relative often no direct return is made, but when borrowing from others it is customary to give part of the crop, such as a basket of yams, to the landholder.

Obtaining the use of land for cash cropping is more difficult, and although it would be hard to find a family short of food simply because it could not borrow enough land for gardening, households without land tend to have significantly lower cash incomes than households with land. Borrowing for cash cropping particularly has become more difficult over the last two years, for with the improved market for bananas landholders have expanded their own plantings and are less willing to lend their land to others, especially for more than one or two years. In Tongatapu today it is not unusual to find people having to pay for the use of land for cash cropping, although renting without

[A] [See Category 423, pp. 109, 117--Analyst.]

80: Maude K-5 (1961) 1971 OU9 Tonga OU9

Cabinet approval is illegal, and Cabinet approval is not given for land renting between Tongans. In fact, some of the more enterprising and large-scale banana growers and market gardeners, who can afford to pay rent and to contribute food crops and pigs to the estate-holder or landholder, have little difficulty in obtaining the use of land, though their tenure is insecure and unprotected by law. Land cannot be borrowed for planting coconuts, a long-term cash crop, and palms on an allotment are the property of the landholder, regardless of who planted them. A common practice for those without land, therefore, is to obtain permission to collect one or two cart loads of coconuts for copra making from the allotment of a relative or close friend, and for this no return is given. Another arrangement, especially between non-relatives and where the landholder lives elsewhere, is for the cash received for the copra to be shared half and half. Despite these arrangements a survey undertaken in four villages in Tongatapu showed that in 1961 the *per capita* cash crop income of households with no land ($T18.40) was only half that of households with eight acres (Maude 1965:155-6). Yet only a few of the landless men interviewed throughout Tonga seemed to experience hardship from land shortage; most considered their income sufficient for essential needs and some with energy and enterprise had higher cash incomes than many men with their own allotments. A few men in Ha'apai and Nuku'alofa with large families to support, however, did appear to feel under pressure.

In theory the Tongan system should have encouraged the movement of people from areas of land shortage to the more sparsely populated districts, for although an estate-holder may refuse a person from another locality permission to reside upon his estate, he cannot prevent such a person holding an allotment there, unless the Land Court rules against the grant. Some migration to obtain land has taken place over the last few decades, mainly from Ha'apai to central and eastern Tongatapu, but for reasons already mentioned it has not been easy to obtain land in the areas where allotments should have been available. Furthermore, acquiring land on an hereditary estate has usually been more difficult for a stranger to a village than for a local man, for the responsibility of an estate-holder towards his own people does not necessarily extend to others, and many people feel that the lands of an estate should be reserved for the people who traditionally belong there. Consequently in all the villages for which figures are available the proportion of men without

80: Maude K-5 (1961) 1971 OU9 Tonga OU9

land is much higher among in-migrants than among those who belong there by birth (Maude 1965:118-19, Nayacakalou 1959:111), and the difficulty and uncertainty of obtaining an allotment has probably deterred migration from the densely settled areas. At the same time there has not been much opportunity for those who have allotments in these areas, but who have moved elsewhere, to exchange their old holdings for new ones (an exchange which is provided for in the Land Act) and so make land available for others, as should have happened in the case of Ha'afeva discussed earlier.

The main direction of migration within Tonga in recent years, moreover, has been towards Nuku'alofa and other parts of Tongatapu where the opportunities for earning money and the better educational facilities have been more important attractions than the possibility of obtaining land. People have been much less interested in moving to 'Eua and to western Vava'u, where land has been the only attraction (Maude 1965:81-6, Walsh 1964b: 188). Thus internal migration has only partly led to a better distribution of land; it has had only a small effect on the tenure problems of the densely settled areas, and among the rapidly-growing population of Nuku'alofa a large proportion of households are landless. In a sample survey of households in the town Walsh (1964b:63) found that only forty-nine per cent had a tax allotment on Tongatapu, sometimes miles from the town, while another six per cent had land elsewhere in Tonga. In the 1966 census only thirty-three per cent of taxpayers in Nuku'alofa stated that they had a tax allotment.

LAND TENURE AND AGRICULTURAL PRODUCTION

The Tongan land tenure system also needs to be assessed in terms of the way in which land is used. Has this system, with its individual title to land and security of tenure, proved a satisfactory basis for cash cropping, and has it fostered the development of independent small holders free of some of the problems found with more traditional systems of land tenure in other parts of the South Pacific?

Cash cropping in Tonga has been largely confined to coconuts and bananas, but there is no indication that land tenure has been a factor in the non-acceptance of other crops. The early stages in the development of the present tenure system were apparently marked by an increase in cash cropping, for Rutherford (1966:58-9) quotes the opinion of Maudslay that the 1862

80: Maude K-5 (1961) 1971 OU9 Tonga OU9

code, by increasing the commoners' security of tenure, greatly stimulated the planting of coconuts. From 1887 onwards the trend in copra production can be followed from the export statistics. Between 1887 and 1912 the mean annual *per capita* export of copra increased from 0.27 tons (1887-90) to 0.54 tons (1908-12), a level which was maintained, apart from the period affected by the hurricanes of 1912 and 1913 and by the First World War, until 1930. The writer has found no evidence, however, to show whether this increase was a result of the 1882 revision of the land law.[7]

In recent years, on the other hand, the incomplete subdivision and allocation of allotments has restricted further planting of coconuts, and is one reason for the present low level of *per capita* copra production. Many parts of central and eastern Tongatapu, and of 'Eua and Vava'u, are only sparsely planted in palms, and in central and eastern Tongatapu people with large customary holdings have tended to plant only part of their land, while men who have moved to these districts and been given a plot to garden have not wished to plant coconuts until their tenure is secure. On several Tongatapu estates visited during field-work, where the land had been subdivided before the recent survey, the systematic planting of coconuts had only begun after the subdivision and allocation of allotments. In eastern Tongatapu in 1956 the mean *per capita* production of copra was 0.48 tons on estates in which most or all of the land had been subdivided into eight-and-a-quarter-acre allotments, and 0.39 tons on estates in which most of the land remained in larger customary holdings, although these means are unfortunately based on too few villages for the difference to be statistically significant. The recent allocation of allotments in Tongatapu and elsewhere (together with the Coconut Replanting Scheme which began in 1965) should result in a marked increase in the area planted in palms, and in the opinion of some Tongans the allocation has already facilitated the recent expansion in banana planting by providing more growers with a secure tenure. There are therefore grounds for concluding that when properly applied the land tenure system does provide a good basis for agricultural development.

One limitation of the Tongan system, however, is its lack of flexibility. For a variety of reasons many men find eight and a quarter acres insufficient, but because of the shortage of land it is now difficult, if not impossible, to obtain the ten or twelve acre allotments provided for in the law, and there is no un-

80: Maude K-5 (1961) 1971 OU9 Tonga OU9

allocated land left for leasing. Consequently land borrowing by those who already have allotments of their own is common, and land use by no means coincides with the tenure of land. Yet borrowing is not always a satisfactory solution, for the borrower can seldom obtain land except for a short period and for short-term crops. While the more enterprising therefore tend to be hampered by the land tenure system, the lazy are protected, for at present the government makes no attempt to enforce the provisions in the Land Act requiring landholders to cultivate their allotments and plant coconuts.

Land borrowing may also restrict the lender's control over the use of his holding for, despite individual tenure, requests from close relatives and friends for the temporary use of land are difficult to refuse, and such requests are not necessarily made only to those who have land to spare. Social obligations of this nature also restrict the independence of the farmer in other ways familiar to the student of the South Pacific. For instance, relatives and friends may request a load of coconuts, a few baskets of tubers, or cash, and consequently men trying to increase production find their efforts hampered. Such obligations continue to be honoured partly because of tradition, sentiment and the prestige gained by the giver, but also because they still fulfil their essential function of ensuring the security of the individual and his family. Marriages and funerals also involve obligations of kinship and friendship. A study of the literature on Western Samoa and Fiji, and the comments of Tongans who have lived in Samoa and Samoans who have lived in Tonga, suggest that the Tongan farmer may be able to achieve a slightly greater degree of independence, without having to contract out of his society, than is the case in the neighbouring territories, and for this the system of landholding is probably largely responsible. At the same time, however, individual tenure in Tonga has not produced fully independent farmers, for social obligations still restrict the individual's control over his land, his time and his produce.

SOME BENEFITS OF THE SYSTEM

Although various factors have thus restricted the effectiveness of the Tongan land tenure system both as a method of land allocation and as a basis for land use, it has many good points. It has provided many men with secure, lifetime, individual leaseholds which can be passed on to their descendants; it has enabled Tonga to avoid the problems of fragmentation, subdivision and

80: Maude K-5 (1961) 1971 OU9 Tonga OU9

NOTES

[1] The writer acknowledges with gratitude the help received from many people in Tonga and elsewhere while collecting the material for this chapter. Particular acknowledgement is made to the staff of the Lands and Survey Department, the Honourable Mahe Tupouniua, Mr 'Iteni Helu, Dr Sione Latukefu, Mr Tangata Lakepa and Professor R. G. Crocombe, who do not, of course, share any responsibility for the opinions expressed here.

[2] The correct term for this group in pre-contact Tonga is uncertain and today Tongans use the word *famili*, from English, or *matakali*, which is of Fijian origin. The term *fa'ahinga* is used by Latukefu (1967).

[3] The *matapule* are the chief's attendants and spokesmen; *foha* and *tehina* are minor titles under a chief.

[4] The crosses mark allotments held by persons not belonging to the same *fa'ahinga* as the rest of the landholders in that area.

[5] On a government estate the process of obtaining land has generally been less difficult, but in recent years most of these estates, especially in Tongatapu, have had few vacant allotments.

[6] These figures are from the preliminary results of the 1966 census, by courtesy of the Census Commissioner, Mr N. Fiefia.

[7] It may be noted here that there are several references to the planting of coconuts having stopped in the first decade of this century (because maladministration of land matters by the King and the estate-holders made people feel insecure in their tenure), which suggests that previously planting had been common. On the other hand, the registration of allotments does not appear to have begun until 1898, and registration on a significant scale did not begin until about 1915.

[8] But note that by law an estate-holder may reserve part of his estate for himself and the successors to his title and, since the regulation provided for in the Land Act to determine the area of this *'api fakatofi'a* has never been made, some retain personal holdings of up to 200 or 300 acres, although part of this land is being used by villagers and others.

[9] From the preliminary results of the 1966 census.

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423 estates or is reserved from Crown land.

Distribution of Land

Rights to tenure and a system of inheritance are pro-
[643] vided for in the Land Act of 1927. All holders of heredi-
tary estates (tofi'a) are appointed by the ruling monarch
who may grant new estates from Crown land when he finds it
423 necessary. The rules of succession to hereditary estates
428 are based on primogenture but if there are no direct lineal
descendents, the inheritance may go to brothers or sisters
and their lineal descendents. If no legitimate heir, male
or female, is available, the estate reverts to the Crown
until such time as the King grants title to a new holder.
423 If the rightful holder is less than twenty-one years of
429 age, the King shall appoint a trustee until he comes of age.
643 Government or Crown land is that not held as part of
423 hereditary estates. The government may, through the
Minister of Lands and with the consent of the Cabinet,
reserve portions of this land for roads, commons, cemeteries
schools, recreation areas, hospitals, government depart-
423 ments, or other public purposes. The King, with the consent
425 of Privy Council may also call upon any holder to give up
[643] land for public purposes. In such cases, the dispossessed
may be offered land in replacement or both land and
remuneration.

423 With respect to bush allotments (referred to as tax
allotments or 'api tukuhau in the Land Act) and town allot-

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Table 13. Number of town allotments per survey household.

Village	Town Allotments Per Household 1	2	3	Total Households	Total Allotments
Haveluliku	8			8	8
Patumu	13	4	1	18	22
Kalonga	22	1		23	24
Hpuma	18	1		19	20
Kolovai	14	1		15	16
Ha'ateiho	21	1		22	23
Kolomotu'a	12			12	12
Kolofo'ou	25	1		26	27
Ma'ufanga	6	1		7	8
TOTAL	140	9	1	150	160

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Legal tenure is obtained by registration and paying registration and surveying fees to the Minister of Lands. Customary tenure is obtained through prolonged residence on an allotment, generally by the holder and his ancestors. Temporary tenure or usufruct rights are obtained from friends or kinsmen who are willing to lend part or all of an allotment. Tenure by rental is obtained extralegally through arrangements with the legal or customary holder of an allotment.

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an allotment. The more permanent the tenure, the greater the possibility that the tenant will plant long-term crops like coconuts, bananas, or other fruits trees instead of subsistance crops like cassava or taro.

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The most common means of obtaining legal or customary tenure to a bush or town allotment is inheritance. Individuals who are not legal heirs must find vacant allotments. By law, an individual, after finding a vacant allotment should apply directly to the Minister of Lands to register it. Unfortunately, in practice a person generally must first get approval from the estate holder in the case of an hereditary estate, or the town officer, in the case of government or Crown land. Although the Minister of Lands can overrule the decision of either the estate holder or the town officer, this rarely happens.

[571]

An individual who wants permission to register land seldom approaches the estate holder or town officer directly; instead, he works through senior kinsmen or a matapule

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with higher social standing. In almost all cases, inquiries are either preceded or accompanied by gifts of food such as pigs, chickens, or yams. If permission is given, the new "holder" will, in most cases, not be able to register the allotment immediately. Instead, there is generally a "probationary" period designed to insure that new holders use the land wisely and fulfill their social obligations to

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the village or district (Maude, 1965:104). The probationary

423 425 [427] period is often abused or extended by the estate holder or town officers who make excessive demands on the tenant. Thus some estate holders in effect have the same power over land distribution as they had prior to the "emancipation" of landholders in 1852. At present, there are a [565] [427] number of nobles who have bad reputations, with respect to demanding foodstuffs, labor and money, while failing to register allotments. In most cases, it is easier to register an allotment on Crown land than on an hereditary estate.

[428] Occupancy by customary right is generally obtained through inheritance and is relatively secure, especially if a family has used a particular allotment for generations. Rulings by the Land Court have commonly favored a customary holder over a registered holder who has obtained approval [427] of the estate holder (Hunter, 1963:104-106). Nevertheless, under customary tenure, there is a greater incidence of having to fulfill obligations to the estate holder. However, where the estate holder or officer is not excessively demanding, customary tenure is for practical purposes as secure as legal tenure.

Temporary tenure is obtained by asking kinsmen, friends [241] or even estate holders for usufruct rights. In this case, the legal or customary holder generally produces copra from the palms on the property, while the tenant plants only subsistence crops. Owing to the scarcity of vacant

423 allotments, some households and many individuals have only
425 temporary tenure. They are generally younger brothers who were not legal heirs or are immigrants from other islands or districts. The ability of an individual or household to obtain temporary occupancy seems to be, to a great extent, contingent on fulfillment of social obligations.

423 Finally, it is not uncommon to find landholders rent-
425 ing their land to others, although strictly forbidden under
427 law. An increasingly common practice seems to be rental to
[241] farmers who want additional acreage for commercial crops, such as bananas, watermelons, and garden vegetables, or for
[435] yams to be sold locally. The rental fee for an eight and a quarter allotment ranges from as low as five to over a hundred dollars per year or a percentage of the profits. The period of rental usually runs from one to five years. It depends on the individual agreement whether the tenant has usufruct rights to coconuts planted on the allotment. Many Tongans who are willing to rent all or part of their allotments are wage earners rather than full-time farmers.

Tables 14 and 15 show the nature of tenure to bush
423 and town allotments for the sample households on Tongatapu.
[369] The highest percentage of registered allotments are in the
[161] urban area of Nuku'alofa(Kolomotu'a, Kolofo'ou and Ma'ufanga) and Kolovai, both areas with high population densities and smaller parcels of land. Similarly, in Kolonga, one of the first areas to be resurveyed according to the Cadastral

241 476 [621] or kautaha toungaue, generally based on village residence or in some cases on church or family ties. Of 126 households sampled on Tongatapu, 33 heads of household belonged to

241 476 kautaha toungaue. All of these 33 households were in villages outside Nuku'alofa. Of 31 households in Nuku'alofa

369 [621] no head of household belonged to a kautaha. This probably reflects urban breakdown of "village solidarity" which

241 476 provides the main basis for membership in these groups. The number of members ranged from 2 to 15 with the median being

241 476 7 members. The average number of days worked per week was 4.9. Some kautaha's work only during the yam harvesting

461 planting and cultivating seasons from January to September, but most work throughout the year.

241 476 [686] The kautaha works on the allotments of its members in rotation. If a member misses a working day, the kautaha either charges him the going rate of 20 cents per hour for the time he has missed, skips his allotment during that

241 476 461 rotation cycle, or in some cases does not penalize him. The number of allotments worked on per day ranges from one to four with a median of two. The number of hours worked on each allotment ranges from one to eight with an average of 3.6. The total hours per day worked by a kautaha averages

241 476 8.1 with a median of 6. The major tasks performed by the kautaha toungaue include clearing bush, burning, planting, weeding, and harvesting.

[425] Another temporary communal work group is the toutu'u

241 476 [425] [621] [794] 'ufi, which is generally formed for the purposes of planting yams and other staple root crops on a plot of land donated by or rented from the holder. Whereas the village tends to be the primary basis for membership to the kautaha toungaue, the church is of almost equal importance in the case of the toutu'u 'ufi. Certain procedures are generally followed by the toutu'u 'ufi. Each member is allotted a predetermined number of rows of yams, using planting material that he supplies individually. The work, which includes tasks such as clearing the land, planting, weeding, and harvesting, is all done as a group. After the yams are harvested, taro and paper mulberry are commonly planted, with manioc, bananas, or giant taro being planted occasionally. In only two cases out of 48 sample toutu'u 'ufi was the land fallowed after the yam harvest. A common occurence after the yam harvest is the cultivation of paper mulberry by communal women's groups (toutu'u hiapo) for use in making tapa cloth. Out of 142 households, 34 percent participated in toutu'u 'ufi in 1970-71, whereas 51 percent had participated in toutu'u 'ufi in the past five years. [369] There was little difference between town and bush areas, with 29 percent and 36 percent of the heads of households, respectively, having participated in toutu'u 'ufi. Membership in a given toutu'u 'ufi ranged from 2 to 40 with a median of 7 members.

A limited number of households, 13 out of 138, also

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178. In 'Uiha/'Uiha, for example, five of the 82 marriages existing in April 1952 were common-law marriages.

423 The economic basis of the family is now generally individual land
425 ownership: every male Tongan at the age of 16 may receive eight and one-half acres of taxable land (for cultivation) and property for his dwelling in the village. (179)

179. If there is no more land to be given out on one's home island, one may apply for it, for example, on Tongatapu where larger areas are still available. But most of the natives prefer to stay with their parents and share in working their land, possibly inheriting it, or they move in with relatives.

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591 As a rule, therefore, the wife at her marriage moves to the place of
582 her husband which he has received as his right or which he has taken over from his father or shares with his family. The two spouses either come from the same village, (180)

180. This is the case particularly in larger villages and on remote islands.

or one spouse, usually the woman, comes from /64/ another village or another island. Married couples seldom move to a new place. (181)

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181. Besides a deeply rooted feeling for their home place, greater difficulties in the question of land acquisition by non-residents on most of the Tonga islands are the reason.

For example, in the typical village of 'Uiha of the Ha'apai group on the island of 'Uiha, (182)

182. A large village on a somewhat remote island.

of 61 married couples, both partners were born in 'Uiha; of 15 couples, two husbands and 13 wives came from elsewhere, and of six couples, both partners came from other islands of the Archipelago. (183)

/71 cont./

604 554 Their feelings are therefore freer and more natural toward their maternal aunt, the fa'e (sister of the mother), whom they generally love more. The /72/ brothers of the father (tama'i) enjoy a high position. Above all, his oldest brother is a leading authoritative personality in the family. His advice is followed, as in old times. Those who disregard it are looked upon by the public as "badly brought up." The fa'e tangata or tu'a-sina is the person of lowest rank. The children (207)

207. Boys as well as girls; the younger ones, if need be, must give way to the older ones.

of his sister(s) have all kinds of privileges with regard to him. (208)

208. For the children in the female line these even extend to the children of this uncle.

These are symbolically displayed in public when, at wedding feasts, they may sit on the lap of their tu'a-sina, and even empty a cup of kava over him. In everyday life, according to ancient Tongan custom, 604 ●425 one is entitled to take from this uncle's possessions whatever one likes or needs (with or without asking for it). Everyone knows that a [671] [685] Tongan law of almost seven decades forbids this and punishes it as "theft"; yet in the small villages of the remote islands people still quite generally take from their mother's brother whatever they happen to want. It is only in the urbanized seaports where, through trade [177] with whites, the European idea of property has become more common (good on payment only), and among the rising generation who are having a more intensive schooling, people have become more thoughtful and no longer, without hesitation, appropriate things of greater or medium value. However, most Tongans help themselves when they are with their tu'a-sina. They will eat their fill at his place, fetch products from his planting, and also take objects, pigs, chickens, etc. To be sure, they will often first ask, that is, they will announce their wish or intention, and will, on occasion, even pay,

/72 cont./

604 425 as they see fit, for a pig they have taken. Some Tongans will also take something belonging to their uncle without asking him, and feel that such acts are not stealing, since they will openly answer their uncle's questions about his lost property.--The author met a Tongan on 'Uiha who, as recently as 1937, took a house belonging to his uncle. (209)

209. Many a tu'a-sina will also voluntarily give pleasure to his nephew with more important objects.

604 425 685 578 In a few families where there has been a rift this old custom is naturally not acted upon, since the taker will have to reckon with the fact that the "injured" one will react with a legal complaint (if he dares do so within the village community). The extremely 604 425 177 178 wide range of this custom which even today, in spite of almost seven decades of contrary European influence among all classes, still prevails (though to some extent relaxed) shows how very much the Tongans can cling to their ancient social order.

592 554 As in former times, the family in a wider sense still has an eldest (ulu i he famili) who has a certain control over the entire /73/ group of kin (in the paternal line) and acts authoritatively on important occasions. For example, in case of a death he calls together the individual related families and consults with them about the nature and procedure of the funeral ceremony. This "eldest is often the grandfather's (oldest) brother or the latter's 592 554 556 178 oldest son. Today, however, age does not seem to be the only decisive factor in the succession, since middle-aged Tongans may absolutely assume the position of "eldest" by reason of their wealth in material goods and their greater influence resulting from it. Even though, in former times as well--according to the memory of various individuals--, Tongans achieved the position

/94 cont./

621 of their common life in the villages. In some respects the village
[189 community seems to be one large family. True, every household has
[592] its own separate dwelling in the village. But the household is by
621 no means isolated in the community. For example, if a villager of the
425 small islands needs any sort of object, be it a particular mat of a chicken or even a pig or a horse, he will ask a fellow-villager for it and will receive it without a direct service in return. This is the old system of "reciprocal insurance," for tomorrow the giver may be a
[596] suppliant. It is a rule of courtesy to grant the suppliant his wish, just as it is an unwritten law never to take unfair advantage of this
421 mutual aid. The concept of property and right of ownership is far
425 less developed than in Europe. Perhaps the chief's power of disposal
[565] over the property of commoners in ancient Tonga is one reason for this;
[178] another reason may be the common production (that is, with the coopera-
[496] tion of several villagers) of essential things such as houses, boats,
[177 tapa and mats. It is at any rate interesting that European influences
[436] were never capable of eradicating this ancient custom of natural material assistance, through the introduction of money. On the small
621 islands very few natives sell their products to their fellow-villagers,
432 and they are not exactly highly respected for doing so. On Tongatapu
554 and Vava'u the influx of money is, of course, greater, especially in
177 the seaports of Nuku'alofa and Neiafu. But even in these small cities
436 every inhabitant can at least go to every other for a meal if he does
632 not happen to have prepared one for himself.
[591]

186 In these towns, as on the small islands, the feeling of solidarity
621 unites the natives even beyond the divisive influence of the denomina-
795 tions. It often happens, for example, that Protestants and members of
794 other churches give money for the collections of the Catholic congregations and vice versa.

476 /95/ Even "reciprocal insurance" also applies to work assistance,

/102 cont./

000 of power of the nobles--though they have not disappeared.

621 178 Seen as a whole, the old, strong feeling of solidarity in the Tongan community has been preserved. Even today we see, especially in the villages of the small islands, the old mutuality which is neither communist nor is it made up of families isolated from each other. Every Tongan can still join any group in the village having a meal and can eat with them, and in most of the settlements every inhabitant may ask any other for objects or for personal help, and no one will generally refuse to fulfill his wish. European influences (such as money, the idea of property, different denominations) have up to now--except in special cases--not led to the individualization of families, which to us in Europe is so much taken for granted.

/103/ b) Social Stratification

565 The principal social classes in ancient Tonga were: the chiefs ('eiki), their personal attendants, counselors and helpers (matapule) and the commoners (tu'a).

The commoners, that is, the mass of the people, were in most cases farmers who cultivated the chief's lands which they lent out to them. Every tu'a along with his family was completely dependent on his chief. The 'eiki (whose title was hereditary) had absolute power, often arbitrarily exercized over the life and property of the commoners. (286)

286. See J. Cook, Beschreibung...VI. pp. 294/295; W. Ellis, An authentic narrative... /cited in English/ p. 115; J. Martin, loc. cit. I. pp. 59/60; II. pp. 92, 300; E.W. Gifford, Tongan Society, p. 110.

565 554 The matapule served the chiefs as a sort of minister. As a rule, the title of the matapule was handed down in the same family; a matapule served the chief with whose ancestor his own ancestor had lived. The rank of the matapule depended specifically on that of his

/117 cont./

On August 24, 1894, George II augmented the list of inherited lands, which was reconfirmed by Queen Charlotte on March 3, 1919. (323)

323. Ibid., p. 72.

At the advice of Basil Thomson (British Assistant Premier in Tonga), the Crown, in 1890, secured for itself ultimate control of these lands as well, by becoming responsible for giving out portions of land and collecting the rent, and by possibly dispossessing the tenants on these lands.

Thus, all land is today the property of the Tongan Crown. There are two main types of landed property: 1. the large properties (tofi'a) of the government, the royal house, the nopele and a few matapule and 2. the leasehold land. The latter is subdivided into plantation land (api'uta) and the land for settlements in the village (api kolo). Every male Tonga over 16 years of age (taxpayer) is entitled to receive one api-uta of $8\frac{1}{4}$ "acres" /cited in English/ for planting and one api kolo of 132 "square yards" /cited in English/ as his dwelling area in the village. If he applies to the minister for lands he receives this /118/ either on the tofi'a where he is already living or somewhere on government land. For his api'uta he must pay the government an annual rent of 8 sh. T.,; (324)

324. This sum is occasionally waived. Thus, for example, Crown Prince Tungi Tupouto'a dispenses with the rent payments of the Tonga living on his island of Nomuka.

the government allocates the rent payment to the nopele concerned of collects it according to whether the tofi'a in question belongs to a nopele (or a member of the royal house) or to the government. The api kolo is rent-free. The lessee who does not pay the rent for his api'uta or does not comply with the conditions relative to its cultivation (325)

/118 cont./

423 The system which is basically ideal in theory, shows a great defect in its practical application insofar as not every male Tonga /119/ over 16 cultivates the leased plot of 8 1/4 acres assigned to him. A number of natives control larger piece of land (or several pieces) which they or their ancestors received as gifts from a Tongan sovereign or a nopele, (326)

[431] [425]

326. For example, as a reward for special services or in memory of a youthful friendship.

and which consists of their own api'uta and the api'uta taken over from another person (kinsman), (327)

327. Thus, for example, a man in 'Uiha/'Uiha cultivates his api'uta and that of his son who is employed by the government in Nuku'alofa; another man cultivates his api'uta and that of his father, which his five-year-old son is supposed to inherit, while his father in turn works the api'uta of his father. The second case, in particular, is not in the spirit of the law.

or that is land which has been additionally rented in a legal manner. (328)

[671] [425] [427]

328. Decrees issued in 1927 and 1934 gave the natives who relinquish their claim to a dwelling place in the village the possibility to lease 17 and 3/8 (or 15) acres of bushland for planting purposes at a reduced rent. With this the government wishes to induce natives to live on their plantations rather than in the village. However, only a relatively small number of natives have hitherto made use of this possibility.

Very many Tongans, however, --especially among the densely populated Ha'apai group--have either a smaller api'uta (of only two, three or four acres) or own none at all. The population density in the Archipelago, exclusive of the uninhabitable land, very probably

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/119 cont./

[423] [161] [428] amounts to more than 200 individuals per square mile. The greatest density is in the Ha'apai Islands. There, for example, if there are three sons in a family, one of them (generally the oldest) usually inherits, after the death of his parents, the api'uta of his father (in addition to his api kolo) and the other two will often no longer be able to receive an api'uta of their own if they apply for it. [161] The Tongan population has grown very much in comparison with the past, and there is sufficient land available only on the large inhabited islands or on some uninhabited ones. (329)

329. In 1950, according to government documents, of the 188,975 acres available for distribution, only 78,345 had been given out (as api'uta to 8647 taxpayers and as lease lands to foreigners and Tongans). The remaining 110,630 acres were still available (minus the village and urban areas) (see Report of the Minister of Lands for the Year 1950 /cited in English/. Nuku'alofa 1951. p. 1). [425] [427] [113]

These two sons can get their own api'uta of $8\frac{1}{4}$ acres on Tongatapu or 'Eua, for example. But usually people prefer to remain on their home island. (330)

330. On the island of Nomuka, for example, among a total population of 567 souls, there are 69 men who have a right to an api'uta, but are unable to get it because all the land has been distributed; they are staying on Nomuka even though they would be able to receive their api'uta on Tongatapu, for example. While all land claims must still be provided for within the Archipelago, 4307 taxpayers in 1950 did not take over an api'uta for the aforementioned reasons (see Report of the Minister of Lands for the Year 1950. p. 2). [162] [425]

People are attached to their islands and their kinsmen, and they may also dislike to clear virgin land. Thus they stay in their villages, [425] [241]

/119 cont./

423 425 241 live with their kinfolk and help them cultivate their land, or they may take over a small piece of their api'uta (or land from another villager) for temporary, independent /120/ cultivation, with the secret hope of some day obtaining a plantation on their own island (for example, if a person with no one to inherit his land should die). 463 464 Some of these "landless" individuals also specialize as fishermen, for example, or they hire themselves out as workers in public service, or they look for work as sailors on the many native cutters. In the towns of Nuku'alofa, Neiafu amd Pangai/Lifuka a few Tongans pursue definite professions in the government and in business, which leaves them little time for cultivating the land, so that some of them do not care to have land for planting allocated to them.

592 423 The unevenness of land distribution may be shown in the following examples:

Of the 91 households owning land on 'Uiha/'Uiha (Ha'apai-Group)

3 households each with circa 2 acres (331)

331. The data in acres are estimates of well-informed Tonga.

1	household	with	circa		2½	acres
4	households	each	with	circa	3	"
2	"	"	"	"	3½	"
10	"	"	"	"	4	"
1	household	"	"	"	4½	"
5	household	"	"	"	5	"
4	"	"	"	"	5½	"
19	"	"	"	"	6	"
2	"	"	"	"	6½	"
5	"	"	"	"	7	"
6	"	"	"	"	7½	"
12	"	"	"	"	8	"

/120 cont./

592 423 1 household each with circa 9 acres (332)

332. A few households have more than 8 acres at their disposal because two (or more) legitimate claimants have received their own api'uta (for example, father and son over 16), others because they have been given the land as gifts, or an api'uta was additionally taken on by another person (see above).

425 431

3 households each with circa 10 acres
2 " " " " 11 "
4 " " " " 12 "
1 household " " 13 "
3 households " " " 15 "
2 " " " " 16 "
1 household " " 21 "

Thus, on an average, one land-owning household in 'Uiha controls slightly more than seven acres. Since the village consists of a total of 100 households (333)

621

241 431 602

333. Some landless individuals plant on the land of fellow-villagers, or else land-owners give products to their relatives who have no land.

there are just under 6½ acres alloted to each household. The land distribution in 'Uiha is apparently sufficient for the needs of the inhabitants, since each household has at its disposal enough food from the plantations of the village, and there is no dissatisfaction to be noted over the varying sizes of the individual api'uta.

Of the 32 land-owning households in Fungamisi/Vava'u 1 household has (circa) 3 acres (334)

334. The data in acres are estimates of well-informed Tongan.

1 household has (circa) 5 acres

/120 cont./

592 1 household has (circa) 6 acres

423 3 households have (circa) 7 acres each

8 " " " 8 " "

1 household has " 9 " (335)

[425] [431]

335. A few households have more than 8 acres at their disposal because two (or more) legitimate claimants have received their own api'uta (for example, father and son over 16), others because they have been given land as gifts, or an api'uta was additionally taken on by another person (see above).

/121/ 2 households have (circa) 10 acres each

1 household was " 11 "

2 households " " 12 " "

1 household has " 14 "

1 " " " 19 "

1 " " " 25 "

Thus, on an average, a land-owning household in Fungamisi has approximately 9 and 2/3 acres at its disposal. Since the village consists of a total of 45 households, (336)

[621] [241] [431] [602]

336. Some landless individuals plant on the land of fellow-villagers, or else landowners give their products to relatives who have no land.

each household is alloted an average of slightly less than five acres. Here too the distribution of land seems to suffice for the needs of the inhabitants.

423 657 This inequality of land distribution will become greater in the future as conditions become more complicated from generation to generation (inheritance of individual api as well as removals), especially since drastic measures on the part of the government in the form of redistribution are improbable because of the difficulties involved.

/122 cont./

423 565 certain restriction on the properties of chiefs and above all on their power; every commoner feels free, and no one is anxious about his land, since the chiefs can no longer arbitrarily exert their power over the people. Nevertheless, since the Crown has ultimate right [182] [425] to all land and gives out part of it to the nopele as feudal tenure [427] and to commoners as leased property, the basis of the old system seems to have been upheld. 423 425 Present-day land distribution can insure a permanent settlement of the land and bodes well for the Tongans, to remain by and large a farming people, even though the system, which is good in theory, shows certain weaknesses in practice. With the [432] [671] legal prohibition to sell land, the present method of land distribution also gives the natives an invaluable protection against the land-aquiring interests of Europeans.

c)Administration of Justice.

69 178 A very considerable change took place in Tonga in the field of justice administration.

In ancient Tonga there was no government regulated jurisdiction. Judges, police, and prisons were unknown. A few offenses against [784] taboo rules were not punished by the hand of man, for people believed in punishment by supernatural forces. 692 565 681 The various "cases" which came up as a result of other offenses of Tongan customs and habits (especially in the existing noble-commoner relationship) were taken care of by the chiefs as they saw fit. In general, punishment was 681 meted out as soon as possible after the deed. The chief punishments were: beating (for example, with the palm of the hand on the naked back, with the fist on the head and face), tying (arms and legs for days), and execution (for example, striking with a club or drowning in the sea with a leaking boat). Influential chiefs seem at times [565] [692] to have acted as arbiters. (337)

/139 cont./

000 342 177 436 (Fungamisi). As a result of the growing use of European building materials for the old-style Tongan houses and especially as a result of the introduction of the European-style houses, however, money takes on an increasing importance for the procurement of material in house building.

342 423 425 A Tongan who plans to build a house must of course, decide where it is to be located. If he has not yet obtained property in the village (api kolo) (371)

371. See p. 173.

from the government and does not wish to build on the property of a relative, he must hand in a proper request to the authorities for the 342 assignment of a plot of land. Meanwhile he will soon start building preparations, for these take a fairly long time. The preparations--as in former times--consist chiefly of procuring the building material and obtaining food supplies to feed the workers.

342 283 824 /140/Making sufficient quantities (several thousand meters) of coconut-fiber cord (kafa) for lashing the framework and for fastening the coconut-leaf covering is still an important prerequisite for building a dwelling in ancient Tongan style. The natives gather large 283 coconuts with especially long husks (niu kafa), remove these and divide them into four (eight) pieces which they place in a basket weighted with stones and lay in a shallow place in the sea for about a month. Then they beat them on a block of hard wood (or on a stone) with a stick or toa wood 30 to 40 centimeters long, in order to loosen the fibers and remove the crumbly material between them. After the fibers have been dried in the sun they are rolled in small bundles (372)

372. From 5 to 25 fibers each, depending on their thickness.

with the palm of the hand on the naked thigh (or between two palms),

/151 cont./

241
656
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433

Plant	Amount	Day on which planting must be finished
Yams.....	600	December 31, 1948
Taro.....	150	"
Manioc.....	200	"
kape.....	50	"
Bananas (siaine)....	100	"
Sweet potatoes.....	300	June 30, 1949
Maize.....	100	"
Reed (kaho).....	10	"
Kava.....	10	"
Sugarcane (au).....	50	"
Paper mulberry trees	100	"

(The governors have the power to order changes depending on local conditions.)

[425] [686] The government has the right /152/ to take away the land from the lessees who do not comply with the regulations. However, it scarcely makes use of this right. There are some plantations that are seldom visited by their owners and are rather overgrown, and no one seems

241 656 to care about punishment. The majority of Tongan, however, plant approximately the prescribed amounts and often go beyond the measure stipulated of basic food plants for which the numbers are set relatively low; other plants, such as maize and the reed used for house construction, as well as sugarcane are preferably "forgotten."

241 [462] Planting--as in old times--is purely men's work; very seldom, and then mostly for certain auxiliary work (for example, "sweeping" a freshly burned-off plantation) do women come "into the bush." The

241 461 512 average Tongan goes to his plantation several times a week (up to six times), early in the morning around six o'clock, and works at weeding, planting or harvesting until ten or eleven o'clock, and then goes back to the village. Often he visits his plantation again in the afternoon from 15 (16) o'clock until 18 (18:30) o'clock. The natives

/202 cont./

245 The entire copra production is carried out chiefly by the men.
[462] However, women and girls often help and even do such heavy work as
[857] splitting open the nuts and removing the meat. Children and old
[887] people of both sexes take part as far as they are able, especially in the easier tasks.

245 Copra is not always and everywhere prepared in this way; the
258 drying huts are more widespread on some islands than on others, and a number of Tongans, limit themselves to drying the meat of the coconuts in the sun for several days. It is only since the second World War that the Tonga dry the copra themselves. Before that the white dealers bought the cut-up coconut meat from the natives and dried it at their trading stations. Since they often bought large quantities and their storage places were limited, they were not always able to handle the copra carefully, and particularly during prolonged rainy periods they stacked the "green copra" and the "dried copra" in alternate layers in their warehouses, in order to dry the former. This method often resulted in a dark and slimy product. Through the creation of the
[435] Tonga Copra Board /cited in English/, which permits the natives to carry out the drying process themselves and gives them a stimulus for good work by staggering the prices (for A, B and C quality), Tongan copra has improved a great deal and has risen from almost the poorest level of the entire Pacific to approximately Ceylon-quality.

423 According to present-day law, which has superseded the arbitrary
425 power of chiefs, every Tonga who is granted an api'uta (527)
245 527. See pp. 172-173.
656 must plant 200 coconut /203/ palms. In practice, however, there are sometimes more, sometimes fewer palms on the individual plantations, either scattered over most of the api'uta or concentrated on one-half
245 of the land. The copra production of individual families remains about
433

/241 cont./

472 these available for transporting persons and freight to make money.
[463] Finally, workmen of the chief towns (bakers, tailors, hair-cutters) also belong to those engaged in business, while most of the carpenters and blacksmiths in the villages of the small islands do not yet show a purely acquisitive sense.

472 177 181 Thus a trade engaged in on the principle of permanent monetary gain has arisen in Tonga only as a result of European influence, and a few natives can today be called "tradesmen" in this sense. Only pressure for moneymaking resulting from overpopulation as well as a considerable increase of /242/ European influence will probably arouse economic acqusitiveness among the majority of Tongans and will be able to overcome the feelings and values of these natives /incompatible with such activity/.

H. Money in the Life of the Tongans

436 425 565 Money is something utterly new in Tonga. In the past the chiefs, in accordance with their authority, obtained freely everything they wished from commoners without compensation, (643)

643. Particularly esteemed workers, however, were repaid with gifts.

and the commoners among themselves probably acted according to the still current system of "anticipated reciprocity." (644)

644. Namely, request for something without direct return service (see pp. 136-137).

This arrangement was taken for granted by all Tongans.

436 [177] Today money plays an important role in the economic life of these people. Tongan currency, modeled on the British pattern, works with pounds, shillings and pence. The value of a Tongan pound (£T) corresponds to an Australian pound. The bank notes issued by the Kingdom of Tonga are made out in the amount of 5£T., 1£T., 10 shillings and 4 shillings. In addition, there are Australian

/243 cont./
000 pineapples.

436 The natives have become well accustomed to the significance and
178 use of money, since they take for granted shopping even in places
where Tongans own the trading stations. Here no one tries /to invoke/
[425] the old system of "asking something without direct return service";
[437] the established prices of the shopkeepers are paid without demur, nor
[435] is there any bargaining or dickering.

434 The Tongans use the money they have earned mainly to buy fabric
432 for clothing and readymade clothing, oil to burn, soap, matches,
436 tobacco, canned mean and fish, flour, sugar, housewares and tools,
to pay land rent and taxes and to contribute to churches. Usually
the native spends his money rapidly. For example, if he has received
20 £T. for delivering copra, he often immediately buys 10 to 15 £T.
worth of the aforementioned items and sometimes also things for
which he has no particular use. After a while, he has made more
copra and the process is repeated. Many Tongans regularly spend all
their money, knowing that they will presently produce more copra and
436 earn money anew. How could they have the European concept of money
[177] when there is no dependence on it here and all the customary and
usually necessary European calculation is completely unknown to most
425 Tongans. They can also live on /the products of/ their plantations
426 and the sea, and if they can no longer put off payments due on their
436 pole tax and land rent or the purchase of a new article of clothing,
178 they may ask for the required sum, according to their old custom,
from a relative or a neighbor and--especially on the small islands--
there is scarcely anyone who will, without special reason, break
with the old system of "anticipated reciprocity" and leave such a
426 wish unfulfilled. Often they do indeed regard such money as borrowed
436 and return it after a time; but if the debtor completely forgets to
178

/244 cont./

454 [436] [472] [18] [177] [652] [453] however, represent a very small minority with an "un-Tongan business sense."--It is quite interesting that a larger group of Tongans, such as probably exists from what has just been said, seems to have taken over the European habit of money-saving, for at the end of 1951 the Government Savings Bank /cited in English/ reported 6134 savings accounts with deposits of 181,611 £T. (649)

649. Colonial Office, Report on Tonga for the Years 1950 and 1951. p. 11.

However, it is more a matter of "safe-keeping of sums of money for a limited time: than a "continuous accumulation of deposits," for in the same year the withdrawals exceeded the deposits.

452 426 There is no real indebtedness among the Tongans, for shopkeepers throughout the Archipelago today sell mostly for cash. Only a few Tongan grocers on the smaller islands sell goods on credit. But they [671] demand of those countrymen, who /245/ seem to them unreliable, securities (for example, valuable mats); it also happens that natives pawn coconut harvests and other plantation products, though this is forbidden by law.

436 177 178 182 [425] Money has had a certain negative influence on the social life of the Tongans inasmuch as some natives have gone over to selling food and other things to their countrymen, which were formerly, as a matter of principle, given them without direct quid pro quo. Some Tongans even take advantage of the old traditional system of "anticipated reciprocity" by asking their neighbors for something and receiving this "for nothing," according to the old custom, while they themselves fulfill similar wishes only against payment in money. Another case is that of S.M. on Nomuka who immediately pays for everything he requests and receives from his neighbors, in order to avoid the obligation of having to give something himself, the next time, without being repaid. Thus money can have an alienating effect

101: Clark K-4,5 (1974) 1978 OU9 Tonga OU9

requirement that all foreign leaseholders pay rent to the Crown. In addition, non-ownership of land was extended to Tongans, as well as foreign residents. The code also borrowed from the earlier Vava'u Code of 1839 the concept that people are entitled to farmland, and that so long as tribute is paid, they cannot be dispossessed.

The legal basis for this system was supplied by the Constitution of 1875. Though revisions to the system have been made, most notably in the Land Act of 1927, the fundamental provisions of the 1875 Constitution, pertaining to land, have remained virtually unchanged. All land remains the possession of the King, who can grant estates to nobles. Nobles, in turn, lease parcels of land to individuals residing within the respective districts, as is needed. Land cannot be sold to Europeans or Tongans, and only leases approved by the government are recognized (Pacific Islands, Vol. III, 1944, p. 58).

This system was further developed between 1875 and 1900, the most notable modification being the regulation by the Crown of all land rents (i.e., taxes), allotments, and evictions, initiated in 1890. This legally limited the traditional power of the Tongan chiefs and nobles. In addition, the nobles could not refuse land to any person in their district. In other words, the government had successfully solidified and reserved for itself, ultimate control over all land.

Under the 1890 provisions, Tongan males, upon reaching the age of 16, were recognized as being entitled to apply for a land

allotment. Two types of allotments were granted. The 'api tukuhau, or rural allotment, was 100 fathoms square or approximately eight and one-quarter acres. The 'api kolo, or town allotment, measured 22 fathoms square (132 yards square) and was designed for use as a dwelling and garden site. Portions of Tongatapu and Ha'apai were subdivided into units 50 fathoms square, to allow for greater population density in select areas. In addition, the 1890 provisions made land liable to forfeiture if rents or taxes were not paid for three successive years. Annual rates of tax equaled eight shillings per 'api tukuhau. Smaller allotments were assessed a proportionate rent, while no rent was paid for the 'api kolo.

In 1915, a minor regulation was added to the 1890 provisions, whereby the government was required to notify the nobility prior to making allotments from their estates.

The 1927 Land Act consolidated the existing laws and is the legal instrument currently consulted for clarification of land policies. This act also included provisions for granting a rural allotment of 12 3/8 acres to any applicant willing to forfeit his town site. This modification was probably designed to encourage more even distribution of population, plus increase agricultural production. In 1934, the size of this allotment was increased to 15 acres, due to the lack of interest in the 12 3/8 acres. The 15 acres were comprised of a standard 8.25 acre rural allotment and a town site of 1.75 acres. In addition, an optional five more acres could be leased for 50 years, at a minimal rate. Employees of the Tongan Ministry of Lands, as well as village residents, indicate that

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161
162 TABLE 9.--Population Density, and Acres Per Capita.

	Population 1975 est.	Area Sq. Mi.	Density Per Sq. Mi.	Acres Per Capita
Tongatapu	62,794	99.85	628.8	1.02
Ha'apai	13,890	20.26	685.6	0.94
Vava'u	17,679	44.44	397.8	1.61
'Eua	4,370	33.76	129.44	4.97

SOURCES: Kingdom of Tonga: Statistical Abstract 1972 (Nuku'alofa: Government Printer, 1972), p. 2.
S. N. Fiefia, Report of the Results of the 1966 Census (Nuku'alofa: Government Printer, 1968), p. 8.
An Economic Survey of Tonga: 1970 (Nuku'alofa: Government Printer, 1970), p. 8.

423 As indicated by these statistics, land is often at a premium within Tonga. While the laws provide for an equitable system of land distribution, differences between actual practice and theory in land distribution, in view of population pressure, must be recognized. Of 265 sample household interviews within the Kingdom, 51 percent of
423 the respondents reported to be landless. These individuals indi-
425 cated that the willingness of the estate holder to lease land, as well as Tongan tradition, is frequently a more decisive factor than the 1927 Land Act, with regard to land distribution. Many interviewees suggested that land is rarely acquired in the manner stated by law, but rather through a complex, and apparently corrupt, system
423 of barter and favor buying. This accounts for the fact that a large number of Tongans are landless, while as much as 50 percent of available acreage remains intact within royal and noble estates.

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423 This lack of compliance results from inadequate surveying, disputed
565 boundaries, and/or apathy.

423 In addition to the 31.1 percent of total acreage being
643 held by nobility, Crown lands account for another 20.7 percent. This land, much of which is totally unused, includes the holdings of the King and the royal family.

423 Another type of estate, of recent origin, is that desig-
[647] nated as government estates, under the control of the Tongan Ministry of Lands. These consist of land which has not been granted by the Crown to the nobility.

423 Thus, the estate is the primary unit in the division of land by the Crown. However, beyond the breakdown of land ownership within Table 10, an accurate accounting of land availability
[311] and distribution is difficult. It may be reasonably assumed that over one-half of the Kingdom's total acreage is held in estate form, with much being left unused or used below capacity. The uneven distribution of population further complicates an analysis of the Tongan estate system. For example, while estates in Vava'u and 'Eua may show a capita per acre ration of 1:5, more densely settled Ha'apai and western Tongatapu show ratios of 1:0.9. This fact leads to an expectation of internal migration, resulting in
423 more favorable distribution patterns. However, landless householders
425 indicate that it is extremely difficult to obtain land in distant
[609] areas. This is in direct conflict with the principles of the 1927
[565] Land Act, and emphasizes the influence of tradition and the unwillingness of nobility to lease land to those from outside their districts.

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423 The 'api, or land allotment, represents the second type of land holding in the Kingdom, being a subdivision of the estate. In theory, the estates are to be divided into allotments as needed. However, according to the Tongan Ministry of Lands, only the nation's major geographic features, such as roads and shorelines, had been surveyed prior to the national survey of 1958. Subsequently, few of the estate lands had been subdivided into the standard eight and one-quarter allotments prescribed by law and the presence of customary farm holdings, which were of a wide range in size and spacing, made implementation of the 1927 Land Act, in terms of land distribution, impossible. The national survey in 1958 greatly increased the number of available land allotments. Maude (1965) reported that in 1957, only 2,564 allotments, of eight and one-quarter acres, were available to 12,000 Tongan taxpayers. Table 11 indicates that by 1973, this figure had increased to over 15,000 allotment holders (Report of the Ministry of Lands and Survey, 1973, p. 15). Though the increase of surveyed and allotted land is impressive, over 50 percent of Tonga's acreage is retained by royal and hereditary estates, and the growing number of landless households persists. A recent royal address indicated that as many as 39,837 individuals had applied for only 13,017 available allotments. Based upon this data, there are twice as many men entitled to land as there are allotments available. This trend may reasonably be expected to increase, as younger population groups reach maturity.

423 Land is most easily acquired through inheritance of a lease.
425 (The most frequent explanation for landlessness, as reported by
428

423 TABLE 11.--Distribution of Land Holdings by Type.

Year	Tax Allotment Holders 'api tukuhau	Town Allotment Holders 'api kolo	Total
1967	13,041	7,186	20,221
1968	13,614	7,116	20,730
1969	14,065	7,194	21,259
1970	14,329	7,392	21,721
1971	14,615	7,571	22,186
1972	14,965	7,594	22,559
1973	15,152	7,828	22,980

SOURCE: Kingdom of Tonga: Statistical Abstract 1972 (Nuku'alofa: Government Printer, 1972), p. 95.

423 425 428 [684] Tongan interviewees, was the lack of an inheritance.) On death of the landholder, his widow is entitled to life interest in his land holding. This right is lost only upon remarriage or conviction of adultery and/or fornication. If there is no widow, the land passes 423 428 to the eldest son, and in the case of his death, to his eldest son. If there are no sons, an unmarried daughter may hold the land for life.

423 425 [428] With the average Tongan household consisting of 6.7 persons, it is apparent that many males will not inherit land. Therefore, the only subsequent way to acquire land is through an allotment which is vacant, or an arrangement for land usage with a noble, relative or friend. Many interview respondents indicated that vacant land is scarce in densely settled areas, in that no

423 allotments are unclaimed, or the surveying for allotments has not
425 kept pace with demand.

423 Acquiring a vacant parcel of land is also complicated by
425 tradition and the power of the estate holder, as was mentioned
565 previously. A noble may delay the registration of the leased
661 allotment with the Ministry of Lands, thereby enabling him to extract favors and gifts from those using his estate. Several farmers in Vava'u, responding to interview questions, reported having agreed to lease land from a particular noble, and after paying the customary favor, discovered that the land was already leased.
423 Many estate holders are reluctant to relinquish their powerful posi-
425 tion. Subsequently, the allotments which were listed in the 1958
[565] national survey as being available have been only slowly distributed.

423 The Tongan law requires a yearly payment of 80 cents to the
427 government or estate holder, by each farmer (Report of the Ministry
[651] of Lands and Survey 1973, p. 3). However, investigation indicated that many rents are far in excess of this requirement. Frequently,
[436] farmers estimated their yearly rent to be more than ten dollars. In many cases, rents are paid with gifts of food, such as pigs or yams, or other material items, which are valued at more than 80 cents, and make an accurate estimate of an average tax rate difficult to determine (Clark 1974).

423 This situation may, in part, explain the widespread failure
427 by farmers to pay rent as required. Table 12 lists 1,241 allotment
685 holders, throughout the Kingdom, who have failed to pay rent, and this delinquency continues to grow. Note that in 1971, only 1,034

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423 TABLE 12.--Nonpayment of Rents by Lease Holders: 1971 and 1972.
427
685

	1971	1972	Increase or Decrease in Numbers
Tongatapu and 'Eua	216	386	+ 170
Ha'apai	65	539	+ 474
Vava'u	691	225	- 466
Niuatoputapu	62	91	+ 29

SOURCE: Report of the Ministry of Lands and Survey 1973 (Nuku'alofa: Government Printer), p. 3.

allotment holders were listed as delinquent in rents (Report of the Ministry of Lands and Survey 1973, p. 3). Several interviewees indicated that they had no intention of paying rent under the present system of collection. Since the regulation permitting eviction after three years of delinquent rent is not strictly enforced, the number of delinquent landholders is expected to increase.

423 The 1966 census reported that only 42 percent of Tongan taxpayers had a tax allotment, the distribution of this percentage being 39 percent among the larger Tongatapu population, 46 percent on Vava'u and 48 percent on Ha'apai (Fiefia 1968, p. 30). This variation in distribution appears to be related to the uneven distribution of population, the resulting uneven demand for allotments, and the fact that each year there are more taxpayers than available
423 allotments. A temporary solution, as indicated by interview
427 responses, involves subleasing from friends or relatives. This
[425]

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423 subleasing is common throughout the islands, and most frequently,
427 payment is in a traditional means, such as an occasional basket of taro or yams, or on a special occasion, a small pig.

511 Upon initial inspection, the information presented thus
423 far suggests a land shortage in the Kingdom. However, this interpretation is not necessarily valid. When confronted by statistics showing less than one-half of the Tongan taxpayers possessing allotments, several qualifications must be recognized. Misallocation and maldistribution of land certainly exists. However, none of the interviewed population, even in the squatters section of the
511 capital, appeared to be critically short of food. In cases where
426 land is totally unavailable for household cultivation of vegetables,
431 it is traditional to borrow or receive subsistence foodstuffs from
511 neighbors, friends, or relatives. In this way even the totally landless Tongans benefit from garden produce. (Food quality does vary within the Tongan popualtion, and this will be discussed further within a later chapter.)

241 Borrowing land for cash cropping or purposes other than
434 subsistence food production is rare. In very few interviews with
[423] landless Tongans did the sale of cash crops contribute to the
[425] income of the household, and this fact was often reflected signifi-
511 cantly in the income of the landless family. However, landlessness
434 should not be considered synonymous with poverty in Tonga. Land-
431 less households, though enjoying less agricultural cash income, often receive income from more fortunate relatives, in the form of gifts. (While the most frequent extra-subsidiary expense

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241 one-quarter acres, except for the above mentioned modifications, and
423 thus significantly limits the future expansion of cash cropping. In
[433] some cases, this has led to the borrowing of land, whereby the
[425] borrowed land is used for family food production, while intensive
cash cropping is carried out on the borrower's individual allotment.

241 Despite the above deterrents, agriculture remains the funda-
433 mental basis of the Tongan economy. The following chapter contains
128 an indepth analysis of this agricultural activity.

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134 provide for crop needs.[1] The practice of burning-over land, which
241 follows clearing, represents a significant factor to soil composi-
134 tion. This constant burning severely limits the amount of humus in the soil and acts to reduce the amount of available nitrogen
241 (Hougland 1974). A further negative effect of burning is evident in
245 cash crop production. Improper timing of the burniny process often results in damage to coconut palms, thereby reducing the number of nuts produced. Several 'apis were observed where burning had totally destroyed the immature nuts of producing palms.

241 Following burning, very little ordering of the land is done. Occasionally, a farmer may rent a small tractor to plow his land, but usually the cost is prohibitive or the procedure is considered unnecessary. The planting of crops in Tonga involves little more than digging a hole in the soil, planting, and leaving the crop largely untended until maturity. Few farmers effectively weed more than the immediate planting site, and planting often follows no pattern of rows or other orderly arrangement.

[242] Tongans evaluate land fertility by the presence of such wild vegetation as weeds and grasses, plus previous experience with the
● [425] given land. However, land shortages in the more densely populated areas often limit the choice of planting sites, and even in cases where land is borrowed, usually only the poorer land is lent, and thus secured for planting.

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[124] [1]This information was obtained from an examination of Tongan soil, in conjunction with interviews conducted at the Tongan Government Experimental Farm.